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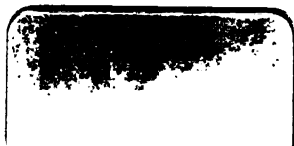
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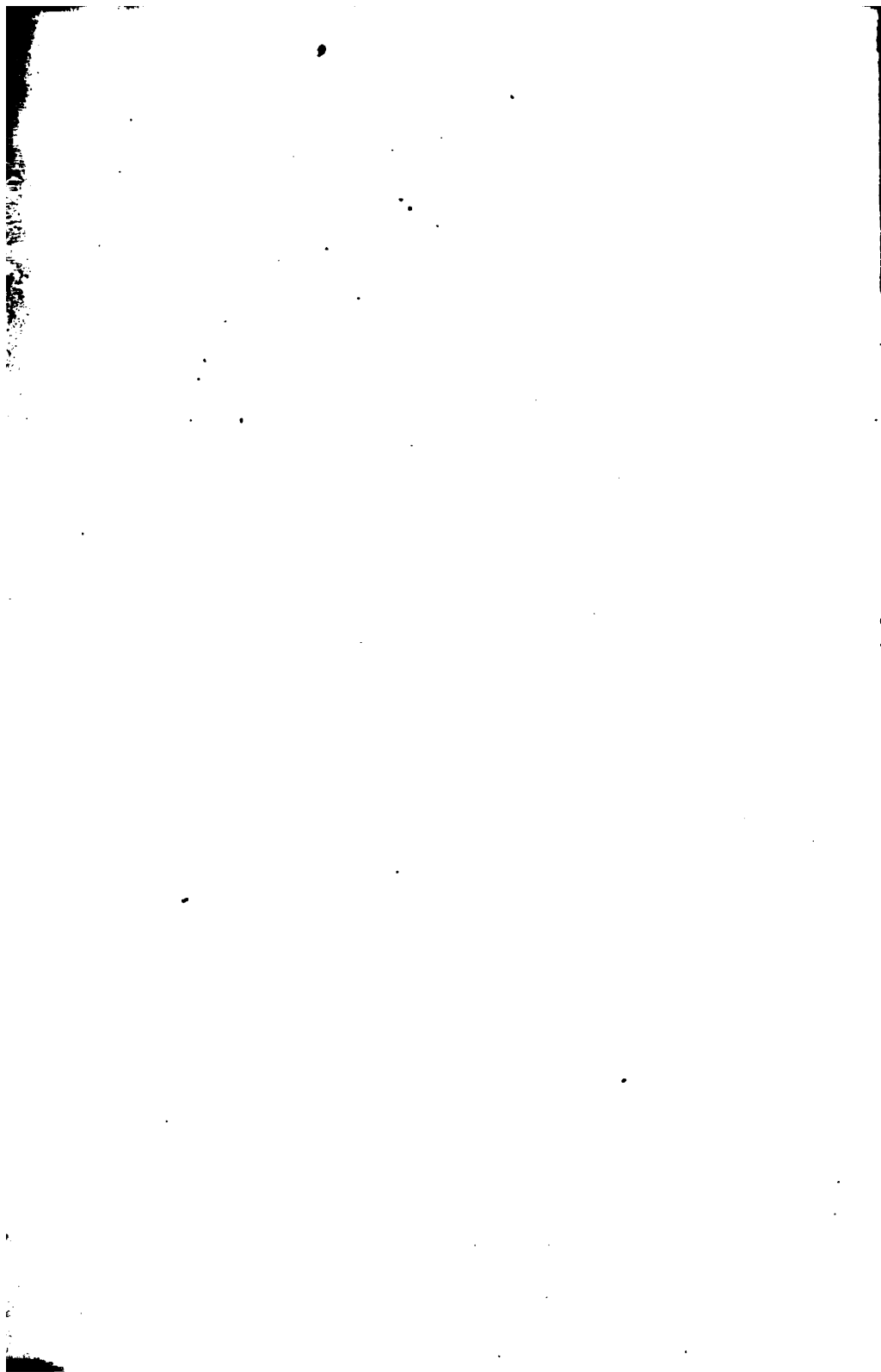








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PRACTICE
IN THE
EXECUTIVE DEPARTMENTS OF THE GOVERNMENT
UNDER THE
PENSION, BOUNTY, AND PRIZE LAWS
OF THE
UNITED STATES.

WITH FORMS AND INSTRUCTIONS FOR COLLECTING ARREARS OF PAY,
BOUNTY, AND PRIZE MONEY, AND FOR OBTAINING PENSIONS.

BY
ROBERT SEWELL,
COUNSELLOR-AT-LAW.

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**In the Clerk's Office of the District Court of the United States for the Southern District
of New York.**

P R E F A C E .

SERVING on the staff of the Governor of New Jersey in 1862, it was my duty to visit the transports which arrived at this port with wounded soldiers on board, and transfer to hospitals in New Jersey the men belonging to the regiments from that State. I was frequently asked questions by these men relating to their pay, bounty, and pensions, and, as I knew about as little concerning the matter as they did, those questions remained, for some time, unanswered. Afterward, the friends of deceased soldiers requested me to obtain their bounty and pensions for them. On attempting to do so, I found that the task was harder than I expected; and I sought in vain for any book containing the information I desired. Indeed, the entire legislation on the subject had then been so recent as to preclude the possibility of learning much from published books. I had to do as well as I could under the instructions of the Second Auditor and the Commissioner of Pensions. I adopted the plan of retaining a copy of the papers in each class of cases, and of altering them in those particulars wherein they proved defective. These copies comprise the principal portion of the forms in this book. As the matter grew, and new cases multiplied, I conceived the idea of putting them into the form of a book, judging, from my own experience, that such a work had become a necessity. The Government prefers that claimants be their own attorneys; but, under the instructions issued by the Departments, this is, to a great degree, impossible. The mass of claimants are not sufficiently expert to pre-

pare their cases under such directions. The plan pursued in the following pages is to take one of each class of cases, and show every step to be taken, from the beginning to the end ; explaining the matter both by the text and in foot notes. I believe that any person of intelligence may, with this book, prepare the simpler cases of pay and bounty claims, and some pension cases ; at the same time, I must confess that there are some in which such a person would probably fail. The large number of claims which have arisen since the present war have scattered claimants all over the country. Naturally these people seek a lawyer for advice as to the manner of proceeding to obtain their rights. In a large majority of cases, gentlemen of the profession have no knowledge on the subject, and do not know how to acquire such a knowledge. I offer this little book with confidence to the profession, as certain to save lawyers, in one case, if they never have any more, more time and trouble than its cost. To the public generally, the book is offered as containing a large amount of useful information on a subject now, unfortunately, brought home to half the families in the land. To the officers and soldiers of the army it will also be found a useful companion ; and it is hoped, that by it, an amount of information of great value to the soldiers, and to their families at home, will be disseminated, and the prevailing ignorance respecting the subjects treated of, in a great degree removed.

I acknowledge with great pleasure the obligations which I owe to the following gentlemen, for information and documents furnished me in the compilation of this work : Hon. Joseph H. Barrett, Commissioner of Pensions ; Ezra B. French, Esq., Second Auditor of the Treasury ; Alpheus Fobes, Esq., Pension Agent, New York, and I. Smith Homans, Esq., of the Treasury Department.

R. S.

NEW YORK, *December*, 1868.

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CHAPTER I.

RESUMÉ OF MILITARY LEGISLATION SINCE THE OUTBREAK OF THE REBELLION.

THE rebellion of the States of the South, in the spring of 1861, found the country in a very unprepared state to resist the shocks even of an inconsiderable enemy, much less in a position to meet the desperate attack to which it was subjected. The army, which has sprung into being since then, had no existence; and the navy, which has now grown to such great proportions, was then insignificant. They have both been created by the terrible energy of a free people, suddenly awakened to a sense of wrong, injustice, and danger.

The regular army of the United States was but a skeleton force, and circumstances prevented its numerical strength from being largely increased. The volunteer service is more to the mind of our people, and the system is better adapted for recruiting.

The first record of the rebellion in a military point on the statute books of the nation is to be found in the act of Congress approved July 22d, 1861.

This act provides that the President may accept the services of volunteers, not exceeding five hundred thousand, to be mustered into the service for three years, or the war, if sooner ended.

These volunteers were to be organized into regiments

and officered by the Governors of the States from which they came, and they were to be placed on the same footing in every respect as soldiers of the regular army.

They were to receive one hundred dollars bounty on their discharge after two years' service, or at the conclusion of the war, if sooner ended.

The law also provided that vacancies in the ranks of officers should be filled by election, but that clause was, shortly afterward, repealed. The act also provided for the examination by a board of officers of all persons appointed as officers.

On the 25th day of July, 1861, another act was passed, authorizing the President to accept the services of five hundred thousand more men, in such numbers as he considered necessary, but they were to be mustered into the service for "during the war."

On the 29th of July, 1861, an act was passed adding temporarily to the regular army nine regiments, of three battalions each, the battalions containing eight companies. These regiments have been raised only in part.

The act of July 29th, 1861, provided for the calling out of the militia, to repel invasion or suppress insurrection. The old law, which limited the time for which the call was made to three months was repealed, and the time extended to nine months; providing, however, that the militia so called out should not be retained in service by the President more than sixty days after the regular time for the assembling of Congress at its next session. This act was found not to work well. The militia called out under it had to be raised, and the men might as easily have been enlisted for three years, as for the short period. They only got to be good soldiers about the period when their time expired.

On the 6th of August, 1861, an act was passed, raising the pay of privates in the army from eleven dollars a month, at which it had stood prior to the war, to thirteen dollars a month, and the clothing commutation had previously been

fixed at three and a half dollars for non-commissioned officers and men.

A provision also existed in the law of July 22d concerning the forwarding of soldiers' letters by mail, without prepayment of the postage.

Chapter 15 of the first session of the Thirty-seventh Congress, approved July 24th, 1861, granted compensation to the garrison of Fort Sumter for losses sustained by that gallant band at the time of removing from Fort Moultrie.

Chapter 19 of same session, approved July 25th, 1861, provided for the reorganization of the Marine Corps; which was, by this act, made to consist of one colonel-commandant, one colonel, two lieutenant-colonels, four majors, one adjutant and inspector, one paymaster, one quartermaster, two assistant quartermasters, twenty captains, thirty first lieutenants, thirty second lieutenants, one sergeant-major, one quartermaster-sergeant, one drum-major, one principal musician, two hundred sergeants, two hundred and twenty corporals, thirty musicians for band, sixty drummers, sixty fifers, and twenty-five hundred privates.

Chapter 42 of same session, approved August 3d, 1861, is entitled "An act providing for the better Organization of the Military Establishment." This law provides for the appointment of an Assistant Secretary of War, additional inspector-generals, surgeons, and assistant-surgeons. It also makes changes in the department of the adjutant-general, and in the subsistence department. Sections 3 and 4 relate to the engineer corps, and provide for its increase. Section 5 provides for the appointment of medical cadets, section 6 for female nurses, and section 7 for chaplains. By section 9, the three months' extra pay formerly allowed to soldiers for reënlistment under certain conditions is abolished. Section 10 provides that two dollars a month be retained out of the pay of each enlisted man in the regular army until the expiration of his term of service, and section 11 provides that in all cases of enlistment and reënlistment in the mili-

tary service the oath of allegiance may be administered by any commissioned officer. Section 12 consolidates all mounted soldiers into one arm to be known as cavalry. Sections 13 and 14 provide for a very liberal increase of the army ration and allowances to hospitals. Sections 15, 16, 17, 18, and 19 provide for a retiring board, and for the voluntary retirement of aged or infirm officers. Section 19 repeals the law allowing double rations to the commandant of a post. Section 20 provides that where officers are absent from duty over six months, with or without leave, they shall not receive the allowances authorized by existing laws for servants, forage, transportation of baggage, fuel, and quarters. The remainder of this very comprehensive act relates to the retirement of naval officers.

Chapter 47, approved August 6th, 1861, provides for the appointment during the rebellion of additional aides-de-camp.

Chapter 50, approved August 5th, 1861, authorizes the Secretary of the Navy to enlist as many seamen in the navy for three years as he may judge to be necessary.

Chapter 57 is entitled "An act to promote the Efficiency of the Engineer and Topographical Engineer Corps, and for other purposes." It increases the number of field officers in those corps, and adds a company of soldiers to the topographical engineers. Section 3 provides that vacancies in the volunteer forces shall be filled by the Governors of the States from which they came. Sections 4 and 5 provide for additional inspectors-general, and that armories shall be under the care of ordnance officers.

These laws were all passed at the first or extra session of the Thirty-seventh Congress.

Chapter 3 of the second session of the Thirty-seventh Congress relates to the organization of courts-martial, and was approved December 24th, 1861.

Chapter 4 is entitled "An act to provide for Allotment Certificates among the Volunteer Forces." By it the President was authorized to appoint three persons for each State, having volunteers in the service, to visit the regiments from their respective States, and procure from the volunteers, from time to time, allotments of pay for their relatives, duly certified in writing, and attested by them and some commissioned officer, and upon such certificates the several paymasters shall, at each regular payment, give drafts on New York, payable to the order of the persons, to whom the allotment was made. By this act also the lien of sutlers on soldiers' pay was abolished.

Chapter 40, approved March 13th, 1862, enacts an additional article of war relating to fugitives from service.

Chapter 47, "An act to provide for the Appointment of Sutlers in the Volunteer Service, and to define their Duties," will be found fully discussed in the chapter entitled Sutlers.

Chapter 40 relates to the payment of officers and men actually employed in the Western Department, and places them on the same footing as other officers and soldiers regularly appointed or enlisted. Approved March 25th, 1862.

Chapter 55 relates to the Medical Department, and was approved April 16th, 1862.

Chapter 109, approved June 18th, 1862, alters the manner of paying line officers of volunteers, and makes them payable on the muster and pay rolls of their company.

Chapter 127, approved July 2d, 1862, provides for additional medical officers of volunteers.

Chapter 144 makes appropriation for the payment of bounty, and will be found in its appropriate place hereafter.

Chapter 166, approved July 14th, 1862, is entitled "An act to grant Pensions." It will be found in this work, and is fully elucidated and explained under the head of Pensions.

The act entitled "An act to define the Pay and Emoluments of certain Officers of the Army, and for other pur-

poses," which is chapter 200, approved July 17th, 1862, is very comprehensive. The first section provides that officers of the army entitled to forage for horses shall not be allowed to commute it, but may draw forage in kind for each horse actually kept by them, not exceeding their authorized number; provided that, when forage in kind cannot be furnished, they may commute. Section 2 reduces the number of horses allowed to certain officers. Section 3 provides that, where soldiers are employed as servants by officers, the officer shall deduct from his pay the amount paid to such soldier by the United States, on pain of court-martial. Section 4 provides that the act increasing the pay of privates shall not be construed to increase the pay of officers. Section 5 provides that all regimental bands be mustered out of service, and section 6 provides for brigade bands. Section 7 alters the rate allowed officers travelling on public service to six cents a mile this side of the Rocky Mountains, and ten cents beyond. Sections 8 and 9 relate to the pay and qualifications of chaplains. Section 10 repeals the allowance of 40 cents a day for use of horses in certain cases allowed by chap. 9, sec. 5, of 1861, and chap. 42, sec. 10, of 1861. Sections 11, 12, 13, 14, 15, and 16 relate to courts-martial and to contracts. Section 17 authorizes and requests the President to dismiss from the army any officer for any cause which, in his judgment, either renders such officer unsuitable for, or whose dismissal would promote the public service. Section 18 gives the President authority to purchase and enclose grounds for a National Cemetery for the soldiers who shall die in the service of the country. Section 19 repeals the law authorizing additional aides-de-camp. Section 20 provides that the regiments and companies heretofore mustered into service as volunteer engineers, pioneers, or sappers and miners, shall receive the same pay as the engineer corps of the regular army. Section 21 provides that any alien of the age of twenty-one years and upward who has enlisted, or may hereafter enlist in the ser-

vice of the United States, and has been honorably discharged, may be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become a citizen of the United States, and that he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and that the court admitting such alien shall, in addition to such proof of residence and good moral character as is now provided by law, be satisfied by competent proof of such person having been honorably discharged from the service of the United States as aforesaid.

Chapter 201 is entitled "An act to amend the act calling forth the Militia, &c.," and was approved July 17th, 1862. The President is authorized to raise 100,000 nine-months volunteers, and pay them \$25 bounty, and other volunteers, for one year, to fill vacancies in old regiments, who are to receive \$50 bounty. Sections 5, 6, 7, and 8 provide for appointment of a judge-advocate general and judge-advocates for armies in the field, for modifying certain punishments, and for mustering out of service battalion adjutants and quartermasters of cavalry. Section 9 authorizes the President to form army corps at his discretion. Section 10 relates to officers of army corps. Section 11 relates to cavalry organization. Section 12 authorizes the President to employ for any military or naval service for which they may be found competent, persons of African descent, to be enrolled and organized under such regulations, not inconsistent with law, as the President may prescribe. Section 13 gives freedom to certain slaves. Section 15 limits the pay of colored soldiers to \$10 per month.

By a joint resolution, No. 9, of February 6th, 1862, the Secretary of War was authorized to procure allotments of pay from prisoners of war in the hands of the enemy in favor of such persons' relatives, and to cause the same to be paid. This concludes the important military legislation of the second session of the Thirty-seventh Congress.

Chapter 68, of the third session of the Thirty-seventh Congress, approved March 2d, 1863, provides for the increase of brigadier-generals and major-generals for the volunteer forces.

Chapter 75, entitled "An act for enrolling and calling out the National Forces, and for other purposes," approved March 3d, 1863. This is the act generally known as the "Conscription Act." A consideration of its details is not within the scope of this work. There are, however, some provisions in it of general importance. Section 18 enacts that such volunteers and militia, as are now in the service, who reenlist for one year, shall receive a bounty of fifty dollars, one half on reenlistment, and the other on expiration of the term; and such as may reenlist for two years shall receive twenty-five dollars of the one hundred dollars bounty provided by the act of July 22d, 1861. Section 19 provides for the consolidation of regiments, and section 20 that officers shall not be appointed to regiments reduced below one half the maximum number. Section 22 gives power to courts-martial to reduce officers to the ranks for absence without leave. The rest of the act makes provision regarding deserters, and the punishment of certain crimes.

The act entitled "An act to promote the Efficiency of the Corps of Engineers and of the Ordnance Department, and for other purposes," chapter 78, approved March 3d, 1863, merges the corps of topographical engineers in that of engineers. Section 7 provides that persons drafted or volunteering in the militia for nine months may enlist for a year, and receive fifty dollars bounty, to be paid in the manner provided by the act of July 22d, 1861.

Chapter 82, approved March 3d, 1863, authorizes the President to confer brevet rank on volunteer and other officers in the service of the United States.

Chapter 84, approved same day, so modifies that act of July 22d, 1861, as to give the bounty of one hundred dollars to those soldiers who were discharged by reason of

wounds received in battle prior to the expiration of two years' service.

The act making appropriations for the army, approved February 9th, 1863, appropriates the sum of forty-five thousand dollars for the purchase of artificial limbs for volunteer soldiers and seamen.

The act of March 3d, 1863, called the Conscription Act, repeals the law allowing soldiers detailed on special duty "extra duty pay."

CHAPTER II.

OFFICERS AND SOLDIERS OF THE ARMY: THEIR RIGHTS, STANDING, AND PAY.

SOLDIERS enlisting in the service of the United States are entitled by law to one month's pay in advance, and to twenty-five of the one hundred dollars bounty granted by the act of 1861.

Enlistments for short periods having proved a failure, it is probable that in future the Government will not accept the services of soldiers for a less time than three years, unless sooner discharged.

By the act of Congress commonly called the Conscription Act, the payments to the Secretary of War of the \$300 exemption money, are to be used to procure substitutes for the persons thus exempted, and this fund is in the hands of the Secretary, to be used for that purpose in the manner which to him appears best adapted for the purpose of securing the services of veteran soldiers.

The bounty granted by the act of July 22d, 1861, is to be paid on the discharge of the soldier after two years' service. If the soldier be discharged before the expiration of two years he is not entitled to the bounty, unless he was discharged by reason of wounds received in battle.*

Soldiers discharged for that reason will do well to see

* See act of March 8d, 1863, p. 255.

that the cause is so stated on the face of the discharge, and properly recorded by the discharging surgeon.

Discharged soldiers should keep their discharge papers in an envelope, and not keep them loosely folded in their pockets, to be worn out and destroyed.

Soldiers, when discharged, should be furnished with a descriptive list and their final statements, to enable them to obtain their pay.

The army is, or ought to be, paid every two months. Soldiers may allot a portion of their pay regularly to their friends, and the paymaster will give them a check for such portion, payable only on the indorsement of the person to whom it is allotted.

In case a soldier wishes to make a single remittance of a portion of his pay to his friends at home, his safest plan is to ask the paymaster for a check, payable to the order of the person to whom he wishes to give the money. This check can thus be transmitted by mail, without any risk of loss, or of the wrong person getting the money.

Soldiers who have lost a limb in the line of their duty, are entitled to be supplied with an artificial one, for directions concerning which see page 24. Soldiers who are ruptured will be furnished with trusses on application to medical directors. See page 27. Soldiers ought to make themselves familiar with the articles of war. They form the code under which they live while in the service, and infractions of which are severely punished. Absence from duty without leave subjects a soldier to punishment as a deserter, and a soldier dying while so absent deprives his wife or child not only of a pension, but of all his arrears of pay and bounty.

The code of the soldier may be summed up in three words—Obey! obey! obey!

While in the service, officers' and soldiers' accounts are settled by paymasters. After leaving the service, any claims they may have on the Government must be present-

ed to the Second Auditor of the Treasury. As the delay in this office amounts to a year on the average, officers and soldiers are strongly urged to procure a full settlement of accounts before leaving the army.

Soldiers, on their discharge, are entitled to transportation to the place of enrolment, and if such transportation be not furnished, they are entitled to fifty cents for every twenty miles travelled. If not settled by payment on discharge, claims of this description must be presented to the Second Auditor of the Treasury.

On discharge for disability, immediate application for a pension should be made. See directions and forms under the head of Pensions.

By the act of Congress of July 1st, 1862,* $1\frac{1}{2}$ per cent. income tax is deducted from officers' pay on all amounts exceeding fifty dollars a month.

By the act of Congress approved June 18th, 1863,† line officers are to be paid on the muster roll of their company.

The act of July 17th, 1862,‡ takes away commutation for forage, except in cases where forage in kind is not supplied.

The act of March 3d, 1863,§ provides that soldiers detailed on extra duty shall not thereafter be entitled to extra-duty pay.

Soldiers desiring to leave their arrears of pay, bounty, &c. to any particular relative, cannot do so by any other means than by making a regular will. A mere letter, or any other writing not amounting to a formal will, has not the desired effect. A simple form of a will for officers and soldiers is given on page 37.

* Thirty-seventh Congress, second session, chap. 119.

† Id., chap. 109.

‡ Id., chap. 200.

§ Id., third session, chap. 75.

TABLE OF PAY, SUBSISTENCE, FORAGE, ETC., ALLOWED BY LAW TO THE OFFICERS OF THE ARMY.

RANK AND CLASSIFICATION OF OFFICERS.	PAY.	SUBSISTENCE.		SERVANTS.		Total monthly pay.
		30 cents for each ration. Act Feb. 21, 1857, sec. 1.		Pay, subsistence, and clothing of a private soldier. Act April 24, 1816, sec. 12.		
		Per Month.	No. of rations per day.	Monthly commutation value.	No. of servants allowed.	
<i>General Officers.</i>	\$ c.		\$ c.		\$ c.	\$ c.
Lieutenant-General.....	270 00	40	860 00	4	94 00	724 00
Aides-de-camp and Military Secretary to Lieutenant-General, each.....	80 00	5	45 00	2	47 00	179 00
Major-General.....	220 00	15	185 00	4	94 00	449 00
Senior Aide-de-camp to General-in-Chief.....	80 00	4	86 00	2	47 00	168 00
Aide-de-camp, in addition to pay, &c. of Lieut.*	24 00					24 00
Brigadier-General.....	124 00	12	108 00	3	70 50	802 50
Aide-de-camp, in addition to pay, &c. of Lieut.*	20 00	3				80 00
<i>Adjutant-General's Department.</i>						
Adjutant-General—Colonel.....	110 00	6	54 00	2	47 00	211 00
Assistant Adjutant-General—Lieut. Col.....	95 00	5	45 00	2	47 00	187 00
Assistant Adjutant-General—Major.....	80 00	4	36 00	2	47 00	168 00
Assistant Adjutant-General—Captain.....	70 00	4	36 00	1	28 50	129 50
Judge-Advocate—Major.....	80 00	4	36 00	2	47 00	168 00
<i>Inspector-General's Department.</i>						
Inspector-General—Colonel.....	110 00	6	54 00	2	47 00	211 00
<i>Signal Department.</i>						
Signal Officer—Major.....	80 00	4	36 00	2	47 00	168 00
<i>Quartermaster's Department.</i>						
Quartermaster-General—Brig. General.....	124 00	12	108 00	3	70 50	802 50
Assistant Quartermaster-General—Col.....	110 00	6	54 00	2	47 00	211 00
Deputy Quartermaster-General—Lt. Col.....	95 00	5	45 00	2	47 00	187 00
Quartermaster—Major.....	80 00	4	36 00	2	47 00	168 00
Assistant Quartermaster—Captain.....	70 00	4	36 00	1	28 50	129 50
<i>Subsistence Department.</i>						
Commissary-General of Subsistence—Col.....	110 00	6	54 00	2	47 00	211 00
Assistant Commissary-General of Subsistence—Lieut. Colonel.....	95 00	5	45 00	2	47 00	187 00
Commissary of Subsistence—Major.....	80 00	4	36 00	2	47 00	168 00
Commissary of Subsistence—Captain.....	70 00	4	36 00	1	28 50	129 50
Assistant Commissary of Subsistence, in addition to pay, &c. of Lieut.*.....	20 00	3				20 00
<i>Medical Department.</i>						
Surgeon-General, \$2,740 per annum.....						228 88
Surgeons of ten years' service.....	80 00	3	73 00	2	47 00	199 00
Surgeons of less than ten years' service.....	80 00	4	86 00	2	47 00	168 00
Assistant Surgeons of ten years' service.....	70 00	3	73 00	1	28 50	165 50
Assistant Surgeons of five years' service.....	70 00	4	86 00	1	28 50	129 50
Asst. Surgeons of less than five years' service.....	58 88	4	86 00	1	28 50	112 88

* Entitled to only 3 rations per day as Lieutenants.

TABLE OF PAY, SUBSISTENCE, FORAGE, &c.—(Continued.)

RANK AND CLASSIFICATION OF OFFICERS.	PAY.		SUBSISTENCE.		SERVANTS.		Total monthly pay.	
	Per month.	30 cents for each ration. Act Feb. 21, 1827, sec. 1.	Number of rations per day.	Monthly commutation value.	Pay, subsistence, and clothing of a private soldier. Act April 24, 1816, sec. 12.	Number of ser- vants allowed.		Monthly commu- tation value.
<i>Pay Department.</i>								
Paymaster-General, \$2,740 per annum.....							223 83	
Deputy Paymaster-General.....	95 00	5	45 00	2	47 00	2	187 00	
Paymaster.....	80 00	4	36 00	2	47 00	2	168 00	
<i>Officers of the Corps of Engineers, Corps of Topographical Engineers, and Ordnance Department.</i>								
Colonel.....	110 00	6	54 00	2	47 00	2	311 00	
Lieutenant-Colonel.....	95 00	5	45 00	2	47 00	2	187 00	
Major.....	80 00	4	36 00	2	47 00	2	165 00	
Captain.....	70 00	4	36 00	1	23 50	1	129 50	
First Lieutenant.....	58 83	4	36 00	1	23 50	1	119 83	
Second Lieutenant.....	58 83	4	36 00	1	23 50	1	119 83	
Brevet Second Lieutenant.....	58 83	4	36 00	1	23 50	1	119 83	
<i>Officers of Mounted Dragoons, Cavalry, Riflemen, and Light Artillery.</i>								
Colonel.....	110 00	6	54 00	2	47 00	2	311 00	
Lieutenant-Colonel.....	95 00	5	45 00	2	47 00	2	187 00	
Major.....	80 00	4	36 00	2	47 00	2	165 00	
Captain.....	70 00	4	36 00	1	23 50	1	129 50	
First Lieutenant.....	58 83	4	36 00	1	23 50	1	119 83	
Second Lieutenant.....	58 83	4	36 00	1	23 50	1	119 83	
Brevet Second Lieutenant.....	58 83	4	36 00	1	23 50	1	119 83	
Adjutant } in addition to pay of }	10 00						10 00	
Reg'l Qr. Master } Lieutenant..... }								
<i>Officers of Artillery and Infantry.</i>								
Colonel.....	95 00	6	54 00	2	47 00	2	196 00	
Lieutenant-Colonel.....	80 00	5	45 00	2	47 00	2	173 00	
Major.....	70 00	4	36 00	2	47 00	2	158 00	
Captain.....	60 00	4	36 00	1	23 50	1	119 50	
First Lieutenant.....	50 00	4	36 00	1	23 50	1	109 50	
Second Lieutenant.....	45 00	4	36 00	1	23 50	1	104 50	
Brevet Second Lieutenant.....	45 00	4	36 00	1	23 50	1	104 50	
Adjutant, in addition to pay, &c., of Lieut.....	10 00						10 00	
Reg'l Quartermaster, in addition to pay, &c., of } Lieutenant..... }	10 00						10 00	

1. The officer in command of a company is allowed \$10 per month for the responsibility of clothing, arms, and accoutrements.—Act March 2, 1827, Sec. 2.
2. Every commissioned officer below the rank of Brigadier-General is entitled to one additional ration per day for every five years' service.
3. Paymaster's clerks, \$700 per annum, and 75 cents per day when actually on duty.
4. Chaplains in army, \$40 to \$60 per month and four rations a day.
5. Chaplains in volunteers, same as captain of cavalry.

PAY OF NON-COMMISSIONED OFFICERS AND PRIVATES.

CAVALRY, AND MOUNTED RIFLEMEN.

	Per Month.		Per Month.
Sergeant-Major.....	\$21	Corporal.....	\$14
Quartermaster-Sergeant.....	21	Bugler.....	13
Chief Bugler.....	21	Farrier.....	13
First Sergeant.....	20	Private.....	13
Sergeant.....	17		

ARTILLERY AND INFANTRY.

Sergeant-Major.....	\$21	Ordnance Sergeant.....	\$34
Quartermaster-Sergeant.....	21	Corporal.....	13
Chief Musician.....	21	Artificer of Artillery.....	15
First Sergeant.....	20	Musician.....	12
Sergeant.....	17	Private.....	13

SAPPERS, MINERS, AND PONTONIERS.

Sergeant.....	\$34	Private (second class).....	\$13
Corporal.....	20	Musician.....	12
Private (first class).....	17	African under-cooks.....	7

HOSPITAL DEPARTMENT.

Medical Cadets.....	\$30	Hospital Steward (second class)....	\$20
Hospital Steward (first class).....	22	Matron.....	6

Female Nurses, 40 cents a day and one ration.

The last act of Congress which granted bounty land was approved 3d March, 1855, and does not confer its benefits on any soldiers for services rendered since that date. There is no law granting bounty land to any person for services rendered in the war of 1861; but all soldiers are entitled to the benefits of the Homestead Law,* and may locate 160 acres of land on any of the lands belonging to the Government for sale at a dollar and a quarter per acre, and acquire a title to it by living on the same and cultivating it for five years. The discharge of a soldier is of no use to any other person. Soldiers cannot transfer any right to bounty or arrears of pay or any other claim whatever by selling their discharges, and no one who knows what he is doing will buy such discharges except as waste paper.†

* Act of Congress, approved May 30th, 1862.

† Sec. 5, Opin., p. 237.

A pensioner cannot pledge or mortgage his pension, or sell it. Such contracts are illegal, and the person so advancing money acquires no right whatever to the pension. This is the law, and is meant to protect pensioners from sharpers.*

Soldiers who have served one term in the army have great inducements held out to them to reënlist. The hundred dollars bounty will be paid to them in cash on their reënlistment, and besides this, three hundred dollars, in several payments during the period of their second term. If any die during such second term, all the bounty remaining unpaid will be paid to their representatives. See the General Orders of War Department on this subject, in chapter 17.

Officers are forbidden by the army regulations from selling their pay in advance. The practice is, nevertheless, more or less common. Heretofore all officers were paid on pay accounts, and after the services were performed the account might be assigned to whoever the officer saw fit. The practice, however, led to many abuses, and has been corrected, so far as line officers are concerned, by the act of Congress which obliges them to be paid on the muster rolls of their company. The practice of mortgaging the pay of officers for advances is undoubtedly an evil, leading to dissolute habits, and encouraging vice in many ways. For the information of persons whom it may concern, I may state that the practice is clearly illegal, and that such contracts cannot be sustained. A careful survey of the subject shows that while a pension granted for past services might be sold or mortgaged, were it not for the act of Congress especially prohibiting its sale, transfer, or pledge, the salary of an officer for some continuing duty is incapable of alienation, transfer, or pledge, on grounds of public policy. This is eminently right and proper; the officer is paid a salary to

* Act of Congress, March 18th, 1818, 3 Stat., 410.

support him in the public service, and all of it should go to that purpose. He should not be left at the mercy of any Shylock who, taking advantage of his necessities, might swindle him out of his prospective earnings.*

* *Stone vs. Lidderdale*, 2 *Anstruther*, 538; *Priddy vs. Rose*, 8 *Merrivale*, 102; *Wells vs. Foster*, 8 *Meeson & Welsby*, 152.

CHAPTER III.

ARTIFICIAL LIMBS AND TRUSSES.

LIMBS.

NON-COMMISSIONED officers and soldiers in the army, and seamen in the navy, who have lost a limb while in the service of the United States in the line of duty, are entitled to be supplied with an artificial limb, out of the appropriation in the act of Congress approved February 9th, 1863,* for that purpose.

The application should be made to any of the Department medical directors, who, if satisfied of the correctness of the claim, will order a limb from any one of the manufacturers who are authorized to supply such limbs.

The Department medical directors, to any one of whom application may be made, are located at the following places:

New York,	Chicago, Ill.,
Philadelphia, Pa.,	St. Louis, Mo.,
Baltimore, Md.,	New Orleans, La.,
Washington, D. C.,	Louisville, Ky.,
Cincinnati, Ohio.	

* Thirty-seventh Congress, session 3, chap. 25.

The applicant for a limb may select any one of the following manufacturers from whom to receive it :

- DOUGLAS BLY,
New York, Rochester, and Cincinnati.
- E. D. HUDSON,
New York.
- FRANK B. PALMER,
New York and Philadelphia.
- B. W. JEWETT,
Washington, D. C.
- CHARLES STAFFORD,
Chicago, Ill.
- H. A. GILDEA,
Philadelphia, Pa.

The application may be made by the soldier in person, or by forwarding proper proof to the medical director.*

In either case proof must be submitted that the applicant was an enlisted man at the time of losing the limb, and that it was lost in the line of duty. This proof, if he is still in the service, will consist of certificates from his commanding officer, surgeon in charge, or any commissioned officer personally cognizant of the facts of the case.

If the applicant be discharged from the service, his discharge papers must be submitted with his application, together with his own affidavit of the time, place, and manner of losing the limb, and, if possible, the certificate to the same effect of his former commanding officer, or surgeon in charge. His discharge so submitted for examination will be returned to him.

Instructions as to the measurements of the limb will be furnished to the applicant, on application to one of the manufacturers before named.

Soldiers will not be allowed to receive the commutation value of the limb and purchase one themselves. They may,

however, arrange with the manufacturer to pay out of their own pockets the difference between the price of the limb furnished by the Government and one they may select.

Commissioned officers are not entitled to the benefits of these provisions.

We give below forms of application where the applicant is in the service, and where he has been discharged therefrom.

FORM No. 1.

Form of Application for an Artificial Limb by Soldier in Service.

————— HOSPITAL, *November 2d, 1863.*

To the Medical Director,
Baltimore.

SIR: I respectfully apply for an artificial leg, to be furnished by B. W. Jewett, Washington, and I submit here with proof that I am entitled to the same.

Respectfully, your servant,

JOHN DOE,
Private 137th New York Vol.

P R O O F .

I do hereby certify that John Doe, private in Company C, 137th New York Volunteers, was present in the line of his duty as a soldier, under my command, at the battle of Gettysburg, on the 3d of July, 1863, and was there severely wounded in the leg, and suffered amputation thereof on the field.

JOHN SMITH,
Captain Company C, 137th N. Y. V.

FORM No. 2.

Form of Application for an Artificial Limb by a discharged Soldier.

State of New York, }
 City and County of New York, } ss.

On the 2d day of November, 1863, before me personally appeared Edward Nivens, of 123 Lagrange street, in said city, who, being by me duly sworn according to law, deposes and says that he is the identical Edward Nivens who was a private in the company commanded by Captain Todd in the 75th Rhode Island Regiment; that he was discharged from said service on the 16th day of August, 1863, at Newark, N. J. That while in the service, to wit, on the 3d day of July, 1863, at Gettysburg, Pa., he was engaged with the enemy, in the line of his duty, and then and there received a gunshot wound in his right leg, just below the knee. That he lay for some time insensible, and that his leg was amputated while on the field by surgeons to him unknown. He further swears that he has not received an artificial leg from the United States, and that it is impossible for him to get a certificate of the above facts from his commanding officer, Captain Todd, as he was killed at said battle.

EDWARD NIVENS.

Sworn to and subscribed before me on this 2d day of November, 1863.

[L. S.]

ROBERT SEWELL,
 Notary Public.

TRUSSES.

Soldiers requiring the same, are entitled to receive trusses. From the nature of the case, these will be furnished only on personal application.

The following circular relates to this subject:

[Circular No. 20.]

SURGEON-GENERAL'S OFFICE, WASHINGTON CITY, D. C., }
September 29th, 1868. }

Medical directors, in cities where there are several general hospitals, will designate one in each city, at which enlisted men, requiring trusses, will report themselves to the surgeon in charge, to be measured for and fitted with the proper instruments. Medical purveyors will cause to be made, and furnish, trusses corresponding in measure and description with the requisition to be made in each case, in lieu of the usual issue, which will be discontinued to all general hospitals where this arrangement can be carried into effect.

By order.

C. H. CRANE,
Surgeon, U. S. Army.

CHAPTER IV.

CLAIMS FOR HORSES AND EQUIPAGE.

CLAIMS for horses and equipage lost or destroyed in the military service of the United States, are audited and paid by the Third Auditor of the Treasury.

The following circular and general order gives full instructions for the preparation and presentation of such claims:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE, }
May 16th, 1868. }

SIR: I append a copy of the rules governing the preparation and adjustment of claims under the first section of the act of March 3d, 1849, for horses and equipage lost or destroyed in the military service of the United States.

Claimants should carefully examine the various classes of cases provided for, and assure themselves that their losses have occurred in one of the modes pointed out by the statute, as it is only for such losses as come clearly within the specified cases that indemnity can be made. For losses occurring otherwise than as specified, indemnity can only be obtained through a special act of Congress.

Each claimant, in transmitting his claim, should give the name of the paymaster, or other disbursing officer, by whom he was paid for his services, or for those of his horse.

Very respectfully, your obedient servant,

R. J. ATKINSON,
Third Auditor.

[*General Orders, No. 113.*]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, }
WASHINGTON, *May 2d, 1863.* }

Rules in relation to claims for the payment of HORSES AND EQUIPAGE lost or destroyed in the MILITARY SERVICE of the United States, under act of March 3, 1849.

By the first section of the law it is enacted: That any field or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalry, engaged in the military service of the United States since the 18th June, 1812, or who shall hereafter be in said service, and has sustained or shall sustain damage, without any fault or negligence on his part, while in said service—

1st. By the loss of a horse in battle.

2d. By the loss of a horse wounded in battle, and which has died or shall die of said wound, or, being so wounded, shall be abandoned by order of his officer, and lost.

3d. By the loss of a horse by death or abandonment, because of the unavoidable dangers of the sea, when on board a United States transport vessel:

Because the United States failed to supply transportation for the horse, and the owner was compelled, by order of his commanding officer, to embark and leave him:

In consequence of the United States failing to supply sufficient forage:

Because the rider was dismounted and separated from his horse, and ordered to do duty on foot at a station detached from his horse:

When the officer in the immediate command ordered, or shall order, the horse turned out to graze in the woods, prairies, or commons, because the United States failed, or shall fail, to supply sufficient forage, and the loss was or shall be consequent thereof.

4th. By the loss of necessary equipage in consequence of the loss of his horse, as aforesaid:

Shall be allowed and paid the value thereof, not to exceed two hundred dollars :

Provided, That if any payment has been or shall be made to any one aforesaid for the use and risk, or for forage, after the death, loss, or abandonment of his horse, said payment shall be deducted from the value thereof, unless he satisfied, or shall satisfy, the paymaster, at the time he made or shall make the payment, or thereafter show by proof that he was remounted ; in which case the deductions shall only extend to the time he was on foot. *And provided also*, If any payment shall have been, or shall hereafter be made, to any person above mentioned, on account of clothing to which he was not entitled by law, such payment shall be deducted from the value of his horse and accoutrements.

RULES OF EVIDENCE.

To establish a claim under either of the foregoing provisions, the claimant must furnish the evidence of the officer under whose command he was serving when the loss occurred, if alive ; or, if dead, then the next surviving officer, describing the property, the value thereof at the time of entering the service, the time when, place where, and manner in which the loss occurred, and whether or not it was without any fault or negligence on the part of the claimant. The claimant must himself state the facts above required, and also whether or not he has received from any officer or agent of the Government a horse or equipage in lieu of that lost by him, or any compensation for the same ; also whether the horse or equipage lost had not been furnished by the United States or purchased from some quartermaster, and if so, the name of the officer from whom purchased, and the price paid therefor. If the property was appraised at the time the same was taken into the United States service, the original valuation list or certified statement of the value as appraised should be furnished.

In cases where the loss is alleged to have occurred "because the United States failed to supply transportation for the horse, and the owner was compelled, by the order of his commanding officer, to embark and leave him," the affidavit of the claimant must, in addition to the declaration above mentioned, declare "that he did, in obedience to the order of his commanding officer, leave said horse and equipage, and that he never sold or otherwise disposed of said horse or equipage, and never received any compensation for either from any person whatever," and this must be corroborated by the officer who gave the order.

In all cases where the claim extends to *equipage*, the several articles of which the same consisted, and separate value of each, must be specified.

In no case can the foregoing evidence be dispensed with, unless the impracticability of producing it be clearly proved; and then the nearest and best other evidence of which the case is susceptible, must be furnished in lieu thereof.

All evidence other than the certificates on honor of officers who, at the time of giving them, were in the military service of the United States, must be sworn to before some judge; justice of the peace, or other person duly authorized to administer oaths, and of which authority proof should accompany the evidence.

All claims under the provisions of this act must be presented to the office of the Third Auditor of the Treasury Department.

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant-General.

CHAPTER V.

PAYMENT OF ABREARS, WILLS, ETC.

ABREARS, ETC.

As has been heretofore stated, soldiers, while in the service, are paid by the paymasters of the army.

When a soldier is discharged, he should be furnished with his final statements and descriptive roll, in order that, on presenting himself to a paymaster for payment, he should be able to produce the same to him, to enable him to ascertain the amount due to him, and his identity. See extracts from army regulations in chapter 13.

When, however, it is impossible for the officer or soldier to obtain a satisfactory settlement from the paymaster, then recourse must be had to the Second Auditor of the Treasury.

As has been heretofore stated, business in this office is very slowly transacted, and a year will probably elapse before a claim is acted upon; it will therefore be best to settle in full with the paymaster where that course is possible.

Where application has to be made to the Second Auditor, the claimant will make a declaration, setting forth the facts of his case and what he claims, and that he has not been paid therefor.

This should be accompanied with the proof necessary to substantiate all the averments of the declaration. The declaration ought to be sworn to, and the claimant identified by two credible and disinterested witnesses.

The following form can be modified to suit all cases :

FORM No. 3.

Form of Application by discharged Soldier, for Allowance in lieu of Transportation, and for Extra Duty Pay.

State of New York,
City and County of New York, } *ss.*

On the 10th day of November, 1863, personally appeared before me Lucien Rivers, at present residing in the city of New York, who being by me duly sworn, says that he is the identical person who enlisted in the service of the United States as a private in Company A, 25th Regiment Connecticut Volunteers. That his said regiment was mustered out of said service on the 26th day of August, 1863, and his discharge made out and dated on that day. That on said day he was acting on detailed service as a hospital steward at Baton Rouge, La. That he left Baton Rouge on said 26th day of August, 1863, and was furnished with transportation to Cairo, Ill., on board the steamboat Gladiator. That he travelled from Cairo to Hartford, Conn., at his own cost and charge.

That, prior to the passage of the act of Congress of March 3d, 1863, which abolished extra pay for extra duty, he served as attendant in the hospital at Baton Rouge from the 21st January, 1863, to the 3d March, 1863, being forty-two days, for which he is entitled to twenty-five cents a day for such extra duty, and that the United States owes him therefor ten dollars and fifty cents.

That he was paid off in New York on the 2d day of November, 1863, but was not paid the aforesaid sum, and was

not paid for his expenses in travelling as aforesaid from Cairo to Hartford, or any commutation or subsistence, or any remuneration of any kind, therefor. That said journey was performed by him without being furnished with Government transportation for any part thereof.

He makes this application for the purpose of obtaining the said sum of ten dollars and a half, and subsistence for sixty-one days, at fifty cents a day, being thirty dollars and fifty cents, the distance travelled being twelve hundred and twenty miles, for each twenty miles of which he is entitled to fifty cents by act of Congress approved July 22d, 1861, and he refers to the proof filed herewith and that in the proper office, to substantiate his said claim.

He hereby appoints Robert Sewell, of New York, his attorney, to ask, demand, and receive payment of the same from the Second Auditor of the Treasury or other proper officer, and to receipt for the same.

LUCIEN RIVERS.

Also, at the same time and place appeared John Doe and Richard Roe, residents of the city of New York, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn, say that they were present and saw Lucien Rivers sign his name to the foregoing declaration, and they swear that of their own knowledge the said Lucien Rivers is the identical person he therein represents himself to be; that they do reside as aforesaid, and have no interest in his claim.

JOHN DOE.

RICHARD ROE.

Sworn to, and subscribed before me, this 10th day of November, 1863.

J. BRAINERD TAYLOR,
Notary Public.

In this as in all other cases, the certificate of the county clerk, that the officer, before whom the oath was taken, was duly authorized to administer the same, must be annexed.

The following proof was filed with the declaration in this case.

UNITED STATES CONVALESCENT HOSPITAL, }
BATON ROUGE, LA., *August 24th, 1863.* }

This may certify that private Lucien Rivers, of Company A, 25th Connecticut Volunteers, has been detained by me to take care of a sick man, and that the 25th Connecticut Volunteers sailed from New Orleans for the North, August 9th, 1863.

(Signed) A. H. VAN NOSTRAND,
Surgeon 4th Wisconsin Volunteers,
In charge of U. S. Convalescent Hospital.

HEADQUARTERS, DIVISION OF CAIRO, }
CAIRO, ILL., *September 5th, 1863.* }

Railroad and Steamboat Agents

Will furnish Lucien Rivers for cash one military ticket, at army rates, from Cairo, Ill., to Hartford, Conn.

By order of Brigadier-General

(Signed) N. B. BUFORD.
T. C. MEALYARD, Assistant Adjutant-General.

The United States

To LUCIEN RIVERS,

Company A, 25th Conn. Vol.

1863.

March 3d. For services as attendant in the regimental hospital of the 25th Connecticut Volunteers, at Baton Rouge, La., from the 21st January, 1863, to 3d March, 1863, 42 days, at 25 cents,

\$10 50

See hospital muster rolls of that post for that period.

I certify that the above account is correct and just; that the services were rendered as stated; and that they were necessary for the public service.

(Signed)

Wm. B. Woods,
Surgeon 25th Regiment Connecticut Volunteers.

W I L L S .

When an officer or soldier dies, his arrears of pay go to his wife if he has one living, totally irrespective of any incidents of infidelity, desertion, or other misconduct on her part. If there be no wife, they go to his children; if no children, to his father; if no father, to his mother; if no mother, to his brothers and sisters.

This rule applies to the navy as well as to the army, and includes prize money.

If, therefore, any person in the military or naval service wishes to leave his money to a different person than the one or more entitled to it by law, he must make a will to that effect, and the same must be formally executed according to legal rules.

The bounty granted by the act of July 22d, 1861, is in the nature of a gratuity to the relatives who are mentioned in the act, and cannot be bequeathed to others; not, at least, until the soldier has acquired a right to it himself by two years' service.

The following form of a will will be found to be of easy modification to all cases.

FORM No. 4.

Form of a Will of a Person in the Service of the United States.

I, Edward Johnson, a legal resident of the city of New York, at present serving as a seaman in the United States navy, on board the United States steamer Restless, mindful

of the uncertainties of life, do make, declare, and publish this my last will and testament in manner following :

First. I do hereby appoint Robert Sewell, of the city of New York, counsellor at law, the executor of this my last will and testament, and hereby authorize and empower him, the said Robert Sewell, to collect from the United States all sums that may be due and owing to me at my death for pay, prize money, or any other allowance, and a full receipt and acquittance to give as such executor for the same, and to compound, compromise, and settle any claim or demand which may be against or in favor of my estate.

Second. After the payment of all my just debts, I give, devise, and bequeath to my mother, Mary Johnson, of the village of Yonkers, in the State of New York, the sum of one hundred dollars.

Third. All the rest, residue, and remainder of my estates, both real and personal, I give, devise, and bequeath to Mary Edwards, daughter of John Edwards, of the aforesaid village of Yonkers, she being my affianced wife, to her and her heirs, executors, administrators, and assigns, for ever.

In witness whereof, I have hereunto set my hand and seal on the —th day of —, in the year 186—, being at the time at sea off Charleston, S. C.

EDWARD JOHNSON. [L. S.]

Signed, published, and declared by the said testator to be his last will and testament in the presence of us, who have signed our names at his request as witnesses in his presence, and in the presence of each other.

JOHN DAVIS,
Paymaster U. S. Navy.

EDWARD JONES,
Seaman U. S. Navy, resident of New York city.

GEORGE TALMAN,
Seaman U. S. Navy, resident of New York city.

The will should be written, if possible, by the testator himself; if not, it should have his signature at the foot of each page, as well as at the end of the will.

The signatures should be made in the presence of the attesting witnesses, and acknowledged by the testator to be his last will and testament.

The laws of some States require three witnesses, and it is best that there should be three in all cases. One ought to be a commissioned officer of the testator's company or ship, and the other two, if possible, residents of the same place as the testator.

No particular form of words is necessary for a will, so long as the words used express the intentions of the testator, and it is formally signed and declared to be his will in the presence of witnesses.

When made, the will ought to be transmitted to the custody of the executor or some other person, and it cannot be revoked except by making a new will, with the same formalities.

Cases have arisen in the experience of the writer where a soldier or sailor has given his discharge to a relative while on his death bed, declaring before witnesses that he wished such person to derive all benefits from the same to which he would be entitled were he to survive. This, to a person unacquainted with the mysteries of the law, might appear to be a valid transfer of all arrears of pay, bounty, or prize money due to such soldier or sailor. In fact, however, it would be but an idle ceremony, of no force whatever. The law, it is true, takes cognizance of some gifts, made in expectation of death. Such a gift is denominated *donatio mortis causa*, and will be sustained. To make such a gift, however, there must be an actual delivery of the thing given. The mere delivery of the evidence that the donor is entitled to some benefit or share in a certain fund, does not transfer the thing itself. Indeed, the mere transfer of a discharge is of no effect under any circumstances, as is ex-

plained in another place. It is merely evidence that the person named in it served for such a time in the United States army or navy.

The right which a man has by law to alienate or assign his choses in action, is very much curtailed by the acts of Congress of July 29th, 1846, and of February 26th, 1853. The former act provides that whenever a claim against the United States shall hereafter be allowed by a resolution or act of Congress, the money directed to be paid, shall not be paid to any person but the claimant or his executors and administrators, unless such persons shall produce a power of attorney, executed after the enactment of the act, and expressly reciting the amount allowed thereby, attested by two witnesses, and acknowledged in the proper form. The latter act provides that all transfers and assignments hereafter made of any claim upon the United States, or any part thereof, or interest therein, shall be absolutely null and void, unless the same shall be freely made and executed before two witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. The provisions of this act and of the former one are also made to apply to all claims arising under general laws and treaties, as well as special acts, or in any other manner whatever.

It would appear to be very plain that a claim for bounty, although assignable otherwise, is deprived of the capacity of being transferred to another by these laws, until the warrant for its payment has been drawn.

An assignment may be made with a covenant guaranteeing the collection, and possibly the assignee would recover from the assignor under the covenant, but even this is not certain, because the whole contract might be set aside as illegal. The constitutionality of the acts has never been called in question, it being easier to evade them than to try the question in the courts. That they are commonly and systematically evaded, is notorious.

In the matter of prize money, however, it would be hard to show how the acts apply. Prize money is not a claim on the Government; it is the property of the captors, and is placed in the Treasury for distribution by the decree of a prize court. It becomes the property of the captors by the laws of maritime war. They are admitted to a standing in the prize court, and are entitled to have counsel argue their cases and defend their rights. The property never becomes the property of the United States, except so far as the share of the Government; and in some cases the Government has no share at all, the capture being totally the property of the captors. By what show of right, then, can it be claimed that the above acts apply? I confess I cannot see the reason of the application, and I believe that an assignment of prize money is good, whether it comes within the terms of the act or not, and that the proper accounting officer might be compelled to pay it to the assignee by writ of mandamus. The Commissioner of Internal Revenue evidently takes the same view of prize money as I do, for he has decided that the papers relating thereto are not exempt from stamp duty under section 6 of the Revenue Act of March 3d, 1863.*

* See in relation to this subject, *Stone vs. Lidderdale*, 2 Anstruther, 533; *Friddy vs. Rose*, 3 Merrivale, 102; *Alexander vs. Duke of Wellington*, 2 Russel & Myne, 85; *Comegys vs. Vasse*, 7 Peters, 196; *Milnor vs. Metz*, 16 Id., 221; *Couch vs. Delaplaine*, 2 Comstock, 897. Sec. 64, act of Congress, 23d April, 1809.

CHAPTER VI.

PAY AND BOUNTY OF DECEASED SOLDIERS.

THE settlement of accounts of deceased officers and soldiers of the army of the United States, including regulars, volunteers, and militia, is made by the Second Auditor of the Treasury Department. When an officer or soldier dies, the fact is duly reported to headquarters, and appears on record in the office of the adjutant-general. Proof, therefore, of the death of an officer or soldier while in the service is not required from a claimant, as the Auditor can acquire from official sources a knowledge of the fact.

Under the act of Congress approved 22d July, 1861, and the act approved 11th July, 1862, the personal representatives of a soldier are entitled to receive from the Government (besides the arrears of pay due at the time of his death), if he died while in the service of the United States, the sum of one hundred dollars bounty.

Where soldiers enlisted since the 17th day of July, 1862, and have received on enlistment twenty-five dollars of this bounty in advance, they will receive but seventy-five dollars on their discharge, and it would seem that their relatives are entitled only to the same sum.

The arrears of pay due to an officer or soldier is a portion of his personal estate, and as such could be collected by an administrator. The bounty, however, is not a part of the effects or estate of the soldier, but is in the nature

of a gratuity, granted by the Government to his surviving relatives, and can therefore, in no case whatever, be collected by an administrator.*

The law of 22d July, 1861, granting bounty, gives it to those soldiers who shall serve for the term of two years, or for the war, if sooner ended, so that the soldier does not really earn the bounty, or become entitled to it himself, until he has served the full term of two years, or until the war of 1861 be ended. After a soldier has served the requisite time and the bounty is really due to him, I see no reason why it should not go with the rest of his personal property to his administrator.

Taking out letters of administration being attended with considerable expense, the Second Auditor advises that application shall in all cases be made to him without administering in the first instance, he reserving the right to order administration in special cases.†

The bounty is only granted to volunteers and regular soldiers, and officers are not entitled to it.

WHO ARE ENTITLED TO COLLECT THE PAY AND BOUNTY OF DECEASED SOLDIERS.

1st. The widow.‡ 2d. The children.§ 3d. The father. |
4th. The mother. ¶ 5th. Brothers and sisters collectively.**

* See acts of Congress, 22d July, 1861, and 11th July, 1862.

† See circular of Second Auditor of Treasury.

‡ The widow takes first in all cases. Thus a man may die, leaving children by a former wife, in which case they have no claim on the Government whatever, the widow taking all.

§ The children of the deceased alone are entitled; the children of his wife by a former husband cannot claim.

| All claimants of bounty, other than the widow and children, must be residents of the United States, and this must be shown in the declaration.

¶ The mother will take in preference to the father in the following cases: When the father is a non-resident of the United States, and where he has abandoned the support of his family.

** The brothers and sisters, residents of this country, will receive the bounty where there is no widow or child, and the father and mother are dead or are non-

DECLARATION BY WIDOW.

In the case of the widow, it is necessary that she shall make a declaration before a justice of the peace or other magistrate setting forth that she is the widow of such a person, giving the company and regiment in which her husband served, and the date and cause of his death. She must also give the date of her marriage, by whom she was married, and state whether or not a public or private record of the marriage exists, and her name before her marriage, and that she still remains a widow. She is also to say what she claims, whether pay, bounty, or both. This declaration must be subscribed and sworn to in the presence of two witnesses, who must be certified by the magistrate to be respectable and entitled to credit, and they must swear to the identity of the applicant, and that they have no interest in the claim. To complete this declaration, it is necessary that the signature of the magistrate be certified to be genuine, and that he was such magistrate at the date of the attestation, by the county clerk, or other proper officer.*

In order to support this declaration, it is only necessary to prove the marriage. In order to do this, it is necessary, if possible, to procure a certified copy of the public record of the marriage, if any such exists. This copy ought to be made by the keeper of the record, and sworn to by him before a magistrate, unless the keeper be a public officer, in which case his certificate will suffice, without an oath.

In the event of there being no public record of the marriage in existence, a copy of any private record should be forwarded. The entry of the marriage in the family Bible, or any other entry of the marriage made and kept as a private record of it, will be considered sufficient.

residents. Heirs further removed than brothers and sisters can claim the arrears of pay, but no bounty; and the distribution is made according to the law of the State where the deceased had his domicile.

* See circular of E. B. French, Second Auditor of Treasury.

In the absence of either, the oath of two witnesses having knowledge of the fact, and stating the manner of acquiring the knowledge, will be received.

When the marriage was solemnized abroad, if in any European country, a transcript from the parish register of the baptism of the children is considered good evidence.

In the absence of all of these, the evidence of two respectable persons that the deceased and the widow were by common report and repute married, and lived together as man and wife, will be accepted, but mere evidence of cohabitation will not of itself be considered proof of marriage.*

DECLARATION BY CHILDREN OF DECEASED.

If the children are of age, they must make a declaration, setting forth their relationship with the deceased, as in the case of the widow, and that their mother is dead, with the date of her death and of her marriage. In other respects, the declaration will be similar to the former.

The children, if minors, must apply by a guardian, who must set forth his appointment as such in the declaration, and accompany it with a certified copy of the order of a competent court appointing him such guardian.

To support the declaration in this case, proof must be furnished of the marriage of the parents and of the death of the mother; and in all cases the party making the declaration must be identified by the oath of two respectable and credible witnesses. This rule applies to all declarations of all claimants.†

DECLARATION BY THE FATHER OF DECEASED.

The act of Congress of July 11th, 1862, which makes appropriation for the payment of bounty, provides that if the soldier leaves no wife or child, the bounty shall be paid to the following persons, provided they reside within the

* See Forms Nos. 5, 6, 7, 8, and 9.

† See Form No. 11.

United States, and the act then recapitulates the persons to whom the bounty was granted by the act of 22d July, 1861. By the first act, residence in the United States was not required on the part of any of the soldier's representatives; but by the act of July, 1862, which is the act making the appropriation, the bounty can be paid to the father, mother, or brothers and sisters, only in case they reside in this country. In case the person to whom the bounty would be payable did he reside here, actually resides abroad, then the next in succession resident in this country will take it. This, however, will only apply to the bounty. There is no law forbidding the payment of arrears of pay to the representatives of a deceased soldier on account of their non-residence.

The declaration of the father, in addition to the formal parts, which are the same in all, must set forth the fact of relationship, that deceased left no widow or child surviving, and, in case deceased had been married, the fact of the death of his wife.

To support this declaration, besides the oath of identity, the oath of two witnesses of respectability, who knew the deceased, and that he left no wife or child, setting forth the manner in which they acquired the information, will be sufficient.*

DECLARATION BY THE MOTHER OF DECEASED.

When the officer or soldier leaves no widow or child, and his father is dead, or is a habitual drunkard, or has deserted his wife, the arrears of pay will be paid to the mother of the deceased.

The bounty will be paid to the mother in the above cases, and also where the father is a resident of another country, or has abandoned the support of his family.

The declaration of the mother must set forth the relationship, the fact that deceased left no widow or child, and

* See Form No. 12.

that his father is dead, and the date of the father's death, or, in the other cases, that the father resides out of the United States, or has abandoned the support of his family.

To support this declaration, there must be proof of the facts stated therein. The oath of two respectable witnesses, having knowledge of the same, and stating how they acquired their information will, in general, be sufficient.

The Second Auditor, in these cases, does not call for proof of the marriage of the claimant with the father of the deceased. The mother of an illegitimate child is therefore entitled to his pay and bounty.*

DECLARATION BY BROTHERS AND SISTERS.

The declaration of brothers and sisters must be made jointly, and if any of them be minors, their guardian, properly appointed, shall join in the declaration. It must set forth, as in the other cases, the relationship with the deceased, the fact that he has left no wife or child surviving, the date of the father and mother's death, or the fact of their non-residence in the United States; and this declaration must be supported by proof of all these facts, in the manner indicated in the previous cases.†

The law makes no provision for the distribution of *bounty* to relatives further removed than the brothers and sisters of a deceased soldier; but in case there should be no relatives surviving of the specified classes, the heirs at law are entitled to the arrears of pay due to the soldier at date of his decease, and, I presume, to the bounty, after he has earned it by a service of two years. As long as the bounty is granted as a gratuity to the persons mentioned in the act of Congress, none others can, of course, collect it. When the soldier himself, however, becomes entitled to receive it for his two years' service, then it will follow the distribution of the arrears of pay.

* See Form No. 14.

† See Form No. 16.

The declaration to be made by the heirs general in the event of there being no relatives of the specified classes, will be in form similar to the others, and must show that there are none of the other nearer relatives to claim, and must be accompanied by proof of all the facts set forth in the declaration.

It will be seen by the terms of the act of Congress of July 22d, 1861, that soldiers discharged from the service before their term of two years expires are not entitled to any bounty whatever. A contrary impression very generally prevails, and soldiers discharged for disability, or discharged at their own request, being paroled prisoners, are constantly endeavoring to sell their discharges, or to obtain the bounty through agents.

By the act of Congress approved March 3d, 1863, soldiers discharged before the expiration of two years' service, by reason of disability caused by wounds received in battle, are entitled to receive the bounty of one hundred dollars, but the act did not make any appropriation of money for such payment.*

When the two years' service which entitles soldiers to the bounty expires, they will be paid by the paymaster when he makes a final settlement with them on mustering them out of the service. If such be not the case, however, application will have to be made to the Second Auditor. The circular of Ezra B. French, Esq., Second Auditor, which will be found herein, gives instructions as to the mode of presenting claims. These instructions I have amplified, but the circular is inserted also, and the forms therein prescribed, in order that the reader may have all the information on the subject.

As the forms, however, are only general, I have prepared others for each class of cases, including as well the declaration and oath of identity, as the proofs of all the

* Applicants under this act will use form No. 18.

facts. These forms are nearly all taken from actual cases which have passed through the Second Auditor's office, and may therefore be reasonably presumed to be sufficient, and to meet his approval. I have adopted this plan as being the most instructive one, and because I have myself had considerable difficulty in adapting the form of declaration given by the Second Auditor to the various cases, until familiarity with the business rendered it comparatively easy.

By selecting the proper form for the case from among the following, and strictly conforming to it, there can be no difficulty about a claim. The proof will, of course, differ in form in different cases, but there is one infallible rule to follow regarding proof, and that is, to give the best evidence and the strongest that it is possible to procure.

FORM No. 5.

Declaration and accompanying proof, to enable the widow of a deceased soldier to obtain the arrears of pay due to her husband, and the bounty of one hundred dollars, to which she is entitled by the act of Congress of 22d July, 1861.

State of New York,
City and County of New York, } ss.

On this 30th day of October, in the year one thousand eight hundred and sixty-two, personally appeared before me, a notary public within and for the county and State aforesaid, Mary Reeve, of the city of New York, aged 22 * years, who, being duly sworn according to law, declares that she is the widow † of William Reeve, who enlisted in

* The age of the claimant must always be stated, because it is part of the personal description of the applicant, and helps to prove identity.

† The relationship the applicant bears to the deceased, is of course a material fact to be shown by the declaration. A woman who marries again after the death of the husband, on account of whose services she claims bounty or pay, is not a widow.

the service of the United States as a private in the company commanded by Captain Ives,* in the 79th regiment of New York Volunteers, in the war for the suppression of the Southern rebellion, who was killed at the battle of Antietam Creek, in the State of Maryland, on the 17th day of September, 1862.† She further declares that she was married to her said husband on the 31st day of December, 1860, at a place called New York in the State of New York, by the Rev. Thomas G. Osborn, and that she believes a public record of said marriage exists in said place, and that her name, before she was married, was Mary Crane.‡ She further says that she makes this declaration for the purpose of obtaining the arrears of pay due to her said husband, together with the bounty of one hundred dollars, to which she is entitled by the act of Congress approved July 22d, 1861.§

MARY REEVE.

Also personally appeared Catharine Berrian and Mary Curry, residents of the city of New York, persons whom I

Mr. Scofield's

* It is necessary, in describing the deceased, to give his rank at date of his death, in order that his arrearages of pay may be calculated properly. It is also well to give the name of the captain of the company at the time he enlisted, because that is the name first on the company roll. If that is not known, however, the name of the actual commandant will be sufficient. The letter of the company, the number of the regiment or battery, and its designation, whether the volunteers of any State or in the regular army, should always be given with exactness.

† The place of death and the cause must be stated as well as the date. In stating the death of a soldier at a hospital or elsewhere, describe the place and give the cause, whether sickness incurred in the service of the United States or from the effects of wounds received in battle. In the latter case, give the date and place where wounds were received.

‡ The marriage must be set forth with minuteness; the place and time declared, and the name of the minister or magistrate. The fact whether any public or private record of the marriage exists must be stated, and the name of the declarant before marriage.

§ This clause is the formal declaration of the purpose for which the application is made, and, if no bounty be due, that demand will be left out, and the claim for arrears of pay alone inserted. This clause is the same in all declarations.

certify to be respectable and entitled to credit,* and who, being by me duly sworn, say that they were present, and saw Mary Reeve sign her name to the foregoing declaration; and they further swear that they know of their own personal knowledge † that she is the widow of William Reeve as represented by her, and that they, the said deponents, do reside in the city of New York, and have no interest in this claim. They further say that their means of knowledge are as follows: Catharine Berrian is the sister of the applicant, and Mary Curry has known the applicant and her husband intimately for two years last past. ‡

CATHARINE BERRIAN.

MARY CURRY.

Subscribed, acknowledged, and sworn to by the said applicant and witnesses, before me, on the 30th day of October, 1862.

[L. s.] §

ROBERT SEWELL, Notary Public.

FORM No. 6.

Proof of Marriage.

Transcript from the books of the Allen street Methodist Episcopal church in the city of New York, of the record of the marriage of William Reeve and Mary Crane. |

* The witnesses' residence must be stated, and the town, county, and State given when in remote districts. They must also be certified to be respectable and entitled to credit by the magistrate, and that they were duly sworn. Where the applicant makes a mark, the formula will be altered to that effect.

† Where the witnesses cannot swear to personal knowledge (but it is always best to get witnesses who can) the following form may be used: "That they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the widow of," &c.

‡ This last clause is not absolutely essential in a mere affidavit of identity, but it is always better to insert the means of knowledge of the facts to which witnesses swear.

§ The declaration may be made before a Justice of the Peace, a Notary Public, or any other officer duly authorized by law to administer oaths. When taken before a notary, he should affix his seal.

| The transcript should be made by some person having charge of the

“December 31st, 1860. William Reeve, of New York, and Mary Crane, of New York; Amelia Osborn, witness; T. G. Osborn, minister.”

I, Samuel H. Smith, minister of the Gospel, pastor of the Allen street Methodist Episcopal church in the city of New York, do swear that the above is a true copy of the entry on the books of said church, of the marriage of William Reeve with Mary Crane, and that said books are in my possession or within my control.

SAMUEL H. SMITH.

Sworn to before me this 1st day of November, 1863.

[L. S.]

ROBERT SEWELL,
Notary Public.

Where there is no public record or *quasi* public record, but where it is privately recorded, use this form :

FORM No. 7.

State of New York, }
City and County of New York, } ss.

I, Robert Sewell, a notary public duly appointed within and for the county and State aforesaid, do hereby certify that on the 30th day of October, 1862, before me personally appeared Mary Reeve, a resident of the city of New York, and exhibited to me her family Bible, upon a certain page of which book, being the page between the Old and New Testaments therein, I find the following record : *

record, and the actual entry on the book should be faithfully transcribed. The person making the transcript must swear that he is the custodian of the books in which it is contained, except where he is a public officer, in which case his simple certificate will suffice. Where the officer has a seal of office, its attachment completes the evidence; but where he has no official seal, his signature must be authenticated in the usual manner by the county clerk.

* In transcribing a private record, no particular directions are given by the Auditor. It seems proper, however, that the copy should be made by a judicial officer, and the above form is deemed sufficient.

“On December 31st, 1860, William Reeve, of New York, and Mary Crane, of New York, were married by the Rev. Samuel H. Smith, in New York.”

And that at her request I have made this notarial copy of said record, and I do hereby declare to all whom it may concern that the above is a full and perfect copy of the said record, and that it is written in said family Bible, and has the appearance of authenticity.

In witness whereof I have hereunto set my hand, and
 [L. S.] affixed my official seal, on the day and year above
 written.

ROBERT SEWELL,
 Notary Public.

FORM No. 8.

Proof of Marriage by Witnesses present at the Ceremony

State of New York, }
 City and County of New York, } ss.

On the 30th day of October, 1862, before me personally appeared Amelia Osborn and William Smith, both residing in the city of New York, and known to me to be respectable persons and credible witnesses,* who, being by me first duly sworn, depose and say that they were present on the 31st day of December, 1860, at a certain house in Allen street, in the city of New York, and saw the ceremony of marriage duly performed by the Rev. T. G. Osborn between William Reeve and Mary Crane, and that the said Mary Crane then married is the person now here present, and who has signed the annexed declaration as Mary Reeve.†

AMELIA OSBORN.
 WILLIAM SMITH.

* See note on page 51, *ante*.

† Next to record evidence and in its absence, the testimony of witnesses to the marriage is the best way of proving the fact. When there is no public or

Subscribed and sworn to before me on the 30th day of
October, 1862.

[L. S.]

ROBERT SEWELL,
Notary Public.

When no public or private record of the marriage exists,
and the evidence of witnesses cannot be obtained, then evi-
dence of public repute must be furnished.

FORM No. 9.

Form for Proof of Public Repute.

State of New York, }
City and County of New York, } ss.

On the 25th day of October, 1862, personally appeared
before me, a notary public within and for the county and
State aforesaid, William Hurry, of New York, architect,
and William G. Cox, of New York, physician, known to me
to be respectable persons and entitled to credit,* who, being
duly sworn, say that they well know Elizabeth Hughes, of
Jersey City, New Jersey, and that they were well acquaint-
ed with her husband, Thomas Hughes, in his lifetime. That
said Thomas and Elizabeth Hughes lived together as man
and wife, and were publicly reputed to be man and wife,
and that they never had any reason to doubt that such rela-
tionship existed between them. That they knew them for
five years preceding the death of said Thomas Hughes, and
were near neighbors of said Thomas and Elizabeth Hughes,
and have no interest in this claim.†

WILLIAM HURRY.
WILLIAM G. COX.

private record, it should be so stated in the declaration. If there be a record,
but that it is inaccessible, the fact should be so stated in order to admit second-
ary evidence.

* See note on page 51, *ante*.

† This is perhaps the most difficult of all proof to find. When the parties

Sworn to and subscribed before me this 25th day of October, 1862.

WILLIAM L. TAYLOR,
Notary Public.

In all cases where papers are sworn to before a justice of the peace, notary public, or other magistrate, or any certificate of any such magistrate is attached to proofs, there must be a certificate attached of the county clerk, under the seal of the county, that the magistrate is duly qualified, and was, at the dates of his several acts, authorized to do them, and that his signature is genuine. Where, in the same set of papers, there are several signatures of the same magistrate, the certificate of the county clerk should be in the plural, and the papers should be connected by a ribbon passing under the seal of the county.

The following form is the one in use in New York, and may be considered a good one.

FORM No. 10.

Certificate of County Clerk.

State of New York,
City and County of New York, } ss.

I, H. W. Genet, clerk of the city and county of New York, and of the Supreme Court thereof, a court of record, do hereby certify that William L. Taylor, whose name is signed to the annexed deposition, was, at the date thereof, a notary public, within and for the county and State aforesaid, duly authorized by law to administer oaths, and fur-

more married abroad many years ago, and the husband has been dead many years, which is sometimes the case in applications for pensions, the difficulty increases. The above form, however, will be a general guide, and it was used in an actual case. The witnesses must, as in all other cases, swear that they have no interest in the claim.

ther, that I am well acquainted with the handwriting of said notary, and verily believe the signature aforesaid to be genuine.

In witness whereof I have hereunto set my hand and
 [L. s.] the seal of said court and county, on the 2d day
 of November, 1862.

H. W. GENET, Clerk.

FORM No. 11.

Declaration of Guardian of Minor Children.

State of New York, }
 City and County of New York, } ss.

On the 10th day of August, in the year 1862, before me, a notary public within and for the county and State aforesaid, personally appeared Edward Johnson, of the city of New York, who, being by me duly sworn according to law, declares that on the 5th day of August, 1862, he was duly appointed by the Honorable G. J. Tucker, Surrogate of the city and county of New York, of the State of New York,* guardian of the persons and estates of John Henry Roe, aged ten years, William Roe, aged six years, and Eliza Roe, aged two years, who are the children of William Roe, who enlisted in the service of the United States as a private in the company commanded by Captain M. C. Angell (C), in the 61st regiment of New York volunteers, in the war for the suppression of the Southern rebellion, who was killed at the battle of Seven Pines or Fairoaks, in the State of Virginia, on the 1st day of June, 1862.

That the wife of said William Roe, the mother of said children, Mary Jane Roe, died at New York on the 1st day of March, 1862, and that the above-mentioned children are the sole surviving children of said William Roe.†

* The authority under which the declarant acts as guardian must always be stated, and the names and ages of his wards.

† This declaration is necessary in order to show that the children are entitled

That he makes this application for the purpose of obtaining the arrears of pay due to the said William Roe, and the bounty of one hundred dollars, to which said children are entitled by the act of Congress approved July 22d, 1861.

EDWARD JOHNSON,
Guardian.

Also appeared David Paul Roe, of the town of Yonkers, county of Westchester and State of New York, and Peter Brown, of the city of New York, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn, say that they were present and saw Edward Johnson sign his name to the foregoing declaration, and that they know* the said Edward Johnson to be the guardian duly appointed by the Surrogate of this county of John Henry Roe, William Roe, and Eliza Roe, minor children of William Roe, deceased. They also say that Mary Jane Roe, the wife of said William Roe and mother of the aforesaid children, died at New York on the first day of March, 1862.† That their knowledge of these facts is derived from their relationship to the deceased, the said David Paul Roe being the brother of William Roe, and Peter Brown the brother of Mary Jane Roe. That they both reside as hereinbefore set forth, and have no interest in this claim.

DAVID PAUL ROE.
PETER BROWN.

Sworn to and subscribed before me this 10th day of August, 1862.

[L. s.]

ROBERT SEWELL,
Notary Public.

to the arrears of pay and bounty, and that they are all who are entitled to share in its distribution.

* In this declaration it is essential that the identification of the guardian be in as strong terms as possible.

† Where the identifying witnesses can also testify to the fact of the mother's decease, the whole may be put in one affidavit; where they cannot, the identification may be made by one set of witnesses, and the proof of facts by another.

To this must be annexed a certified copy, under the seal of the court, of the order of the Surrogate appointing Edward Johnson guardian of the persons and estates of the minor children; and proof of the marriage of their parents.

FORM No. 12.

Declaration by Father.

State of New York, }
County of Broome, } ss.

On the 28th day of September, in the year 1862, before me, a justice of the peace within and for the county and State aforesaid, personally appeared Daniel M. Angell, aged 60 years, who, being by me first duly sworn,* declares that he resides in the village of Union in said county and State, and is the father of Manton C. Angell, who was in the service of the United States as captain in the 61st regiment of New York volunteers, and who was killed at the battle on the Antietam, in Maryland, on or about the 17th day of September, 1862. That said Manton C. Angell leaves no wife or child surviving. That he makes this application in order to obtain the arrears of pay due to his said son at the date of his death.

DANIEL M. ANGELL.

Also appeared John Doe and Richard Roe, residents of the village of Union, county of Broome, and State of New York, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn, say that they were present, and saw Daniel M. Angell sign his name to the foregoing declaration, and that they have every reason to believe, from the appearance of the applicant and their acquaintance with him, that he is the father of Captain Man-

* The place of residence of claimants other than the wife and children must be stated, because the bounty is only payable to residents within the United States.

C. Angell, as represented by him. That they (deposits) do reside in the county of Broome, in said State, and have no interest in this claim.*

JOHN DOE.

RICHARD ROE.

Sworn to and subscribed before me on the 28th day of
November, 1862.

EDWARD SMITH,

Justice of the Peace.

To support this declaration, proof that deceased left no
wife or child, is necessary.

FORM No. 13.

Proof that Deceased left no Wife or Child.

State of New York, }
City and County of New York, } ss.

On the 1st day of October, A. D. 1862, before me, a notary public within and for the county and State aforesaid, personally appeared Francis Haydter and William Young, both residents of the city and county aforesaid, known to me to be respectable persons and entitled to credit, who, being by me first duly sworn, say that they well knew Captain Manton C. Angell, of the 61st New York volunteers, in his lifetime, and that their knowledge of him extends for ten years back, during all of which time he resided in the city of New York, and was in the habit of having frequent intercourse with them, and that their knowledge of him was full and intimate. That he leaves no wife or child, and that he never was married. That they do reside as aforesaid, and have no interest in this claim.

FRANCIS HAYDTER.

WILLIAM YOUNG.

* In all cases where testimony is taken, the witnesses should state that they have no interest in the claim.

Subscribed and sworn to before me this 1st day of October, 1862.

[L. s.]

ROBERT SEWELL,
Notary Public.

FORM No. 14.

Declaration by the Mother.

State of New York, }
County of Westchester, } ss.

On the 2d day of June, A. D. 1862, before me, a notary public within and for the county and State aforesaid, personally appeared Honora Brazell, aged 46 years, who, being by me first duly sworn according to law, declares that she resides in the village of Yonkers,* in the county and State aforesaid. That she is the mother of James Brazell, who enlisted in the service of the United States as a private in the company commanded by Captain Smith (A), in the 17th regiment of New York volunteers, in the war of 1861, who was killed in battle at Williamsburg, in the State of Virginia, on the 24th day of March, 1861. That her said son leaves no widow or child surviving, and that his father died on the 16th day of April, 1860, at the said village of Yonkers.†

That she makes this application, &c.

her
HONORA + BRAZELL.
mark

Also appeared Robert Douglas and John McFarline, residents of said county, persons whom I certify to be respectable and entitled to credit, who, being by me first duly sworn, say that they were present and saw Honora Brazell make her mark to the foregoing declaration, and that they

* See note on page 58, *ante*.

† The allegations are necessary to show that she is entitled to take as mother.

have every reason to believe, from the appearance of said applicant, and their acquaintance * with her, that she is the mother of James Brazell as represented by her, and that they reside in the village of Yonkers in the county and State aforesaid, and have no interest in this claim.

ROBERT DOUGLAS.

JOHN McFARLINE.

Sworn to, and subscribed before me, this 2d day of June, 1862.

[L. S.]

H. N. OTIS,

Notary Public.

To support this declaration there must be proof that the son left no widow or child, and that the father is dead.

FORM No. 15.

Proof that Son left no Wife or Child, and that the Father is dead.

State of New York, }
County of Westchester, } ss.

On the 2d day of June, A. D. 1862, before me, a notary public within and for the county and State aforesaid, personally appeared John Doe, of the city of New York in the State of New York, and Richard Roe, of the village of Yonkers, in the county of Westchester and State of New York, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn according to law, declare that they well know Honora Brazell, of the village of Yonkers aforesaid; that they knew her son, James Brazell, who was a private in Captain Smith's company in the 17th New York volunteers, and have known him for eight

* This is the proper form of identification where the parties cannot swear to positive knowledge.

years last past ; that he leaves no wife or child surviving. They also say that they well knew John Brazell, the father of said James and the husband of said Honora, and that he died in the village of Yonkers, on or about the 16th day of April, 1860. That their means of knowledge of all these facts are derived from their acquaintance with the parties. That the deceased John Brazell was employed by Richard Roe as a laborer for some time previous to his death, and that the deceased James Brazell was employed in the machine shop of John Doe at the time of his enlistment. They further say that they do severally reside as aforesaid, and have no interest in this claim.*

JOHN DOE.

RICHARD ROE.

Sworn to, and subscribed before me, this 2d day of June, A. D. 1862.

H. N. OTIS,

Notary Public.

FORM No. 16.

Declaration by Brothers and Sisters.

State of New York, }
 City and County of New York, } ss.

On the 1st day of November, A. D. 1862, before me, a notary public within and for the county and State aforesaid, personally appeared Edward Jones, aged 22, Alfred E. Jones, aged 27, both residents of Jersey City, in the State of New Jersey, and Elizabeth Brownell, wife of Samuel Brownell, aged 26 years, a resident of the city of New York,† all of whom, being by me duly sworn according to law, say that they do severally reside as aforesaid, that they are the brothers and sister of William Jones, who en-

* The facts sworn to ought always to be accompanied, as in this form, with a statement of the means of knowledge by which the witnesses became acquainted with the facts to which they swear.

† See note on page 58.

listed in the service of the United States as a private in the company commanded by Captain William J. Sewell (C), in the 5th regiment New Jersey volunteers, in the war of 1861, who was wounded at the battle of Williamsburg, in Virginia, and died from the effects thereof while in said service, on the 15th day of July, 1862, at the hospital in Jersey City.*

That said William Jones leaves no widow or child surviving. That his mother, Mary E. Jones, died at Jersey City on the 1st day of June, 1858, and that his father, Alfred Jones, died at the same place on the 2d day of May, 1861. That he left no other brothers or sisters surviving him besides these declarants.

They make this declaration, &c.

EDWARD JONES.

ALFRED E. JONES.

ELIZABETH BROWNELL.

Also appeared George Roe and Edward Doe, residents of the city of New York, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn, say that they were present and saw Edward Jones, Alfred E. Jones, and Elizabeth Brownell sign their names to the foregoing declaration, and they further say that, from the appearance of said applicants, and their acquaintance with them, they have every reason to believe that they are the brothers and sister of William Jones, as represented by them. That they, deponents, do reside in the city of New York, and have no interest in this claim.

GEORGE ROE.

EDWARD DOE.

* See note on pages 50 and 51, *ante*. Brothers and sisters take collectively, and it is necessary to show that the parties entitled before them do not exist or are disqualified by non-residence, and that they are all the brothers and sisters of deceased. Brothers and sisters of the half blood are entitled to share as well as those of the full blood. See 5 Opin. of Att'y Gen., 26; Brightley's Digest, 100.

Sworn to and subscribed before me, by said applicants and witnesses, this 1st day of November, 1862.

ROBERT SEWELL,

Notary Public.

[L. s.]

FORM No. 17.

Proof of Facts alleged in Form No. 16.

State of New York,
City and County of New York, } ss.

On the 1st day of November, A. D. 1862, before me, a notary public within and for the county and State aforesaid, personally appeared George Jones, of the city of Hudson, in the State of New Jersey, and Edward Simpson, of the township of Harrison, in the county of Hudson and State of New Jersey, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn according to law, say that they well know Edward Jones, Alfred E. Jones, and Elizabeth Brownell, sons and daughter of Alfred Jones and Mary E. Jones, and brothers and sister of William Jones. That they are the sole surviving sister and brothers of said William Jones, who was a private in the 5th New Jersey regiment. That their father, Alfred Jones, died in Jersey City on the 2d of May, 1861, and that their mother, Mary E. Jones, died in the same place on the 1st day of June, 1858. That they well knew deceased William Jones, and have known him from his infancy, and that William Jones leaves no widow or child surviving him. They further say that their means of knowledge of said facts are derived as follows: That George Jones is the brother of Alfred Jones deceased, and has an intimate knowledge of the affairs of his brother's family, and was present at the funeral of said Alfred Jones and Mary E. Jones. That said Edward Simpson is the brother of said Mary E. Jones, and was likewise intimately acquainted with the family affairs

of his sister, was present at the funeral of his said sister, and at that of her husband, said Alfred Jones. That they, the deponents,* do severally reside as aforesaid, and have no interest in this claim.

GEORGE JONES.

EDWARD SIMPSON.

Sworn to and subscribed before me, this 1st day of November, 1862.

[L. s.]

ROBERT SEWELL,
Notary Public.

When the case has been prepared according to the forms herein prescribed, and the necessary proof procured to sustain all the averments of the declaration, the papers should be folded in the ordinary form of law papers for filing, and enclosed in a long envelope, addressed to Ezra B. French, Esq., Second Auditor of the Treasury, Washington, D. C. In the event of a change, and that the name of the Auditor is not known, it may be addressed simply to the Second Auditor of the Treasury.

No revenue stamps of any kind are required on papers prepared for the obtaining of arrears of pay or bounty; therefore, none will be affixed, either to affidavits or powers of attorney, but the postage must be prepaid.

Where an attorney is employed to prosecute a claim, a power of attorney should be filed. This can be most conveniently done by inserting in the declaration a short clause, granting power to collect to the agent.†

Care will be taken that all blanks in the papers are properly filled up; that the dates of the same are correct; and that they are all properly subscribed by the proper

* This form ought to be strictly adhered to, as it proves the facts and nothing more, and gives the means of knowledge. It is obvious that some persons having a very intimate knowledge of the family alone can swear to all these facts. When it is not possible to find two persons who can swear to them all, they must be divided, and several affidavits taken covering all the ground.

† Where an attorney is employed, it is necessary to insert authority for him to act. See page 67 for form of such authority.

parties, whether claimant, witnesses, or magistrate. Finally, the signature of the magistrate must be certified to by the county clerk or other proper officer.

The Second Auditor acknowledges the receipt of the papers, and usually states whether they are correct in form; and the case is then filed, to be taken up afterward for settlement, when reached in its order.

Where papers are executed in a foreign country, it is necessary that the signature of the magistrate should be authenticated by a certificate and seal of an American consul. Where the papers are in a foreign language, a translated copy should be annexed, sworn to by the translator before a magistrate, and attested by the county clerk in the usual form.

Where a person has left the service of the United States without acquiring any right to bounty, and afterward dies, his relatives have no claim; but where a person has been discharged for wounds received in battle, and dies before obtaining his bounty, his relatives can recover the same under the same rules, regulations, and forms as they would had he died in the service.

FORM No. 18.

Application of a Soldier, discharged before the expiration of two years' service for wounds received in battle, for Bounty under Act of March 3d, 1863.

State of New York, }
 City and County of New York, } ss.

On the 1st day of November, A. D. 1863, before me, a notary public within and for the county and State aforesaid, personally appeared John Doe, aged 27 years, residing in the city of New York, in the State of New York, who, being by me duly sworn, says that he is the identical John Doe who enlisted in the service of the United States on the 10th day of August, 1861, at Jersey City, New Jersey, as a

private in Company C, commanded by Captain William J. Sewell, in the 5th regiment of New Jersey volunteers, who was honorably discharged from said service on the 10th day of October, 1863, at Washington, on account of disability produced by a gunshot wound in the right leg, received at the battle of Gettysburg, on the 3d of July, 1863. That he makes this declaration for the purpose of obtaining the benefit of the 5th section of the act of Congress passed 22d July, 1861, and the act of Congress passed March 3d, 1863, or either of said acts, or other laws, as applicable to his case. He further declares that his post-office address is 24 Langdon street, New York. And he hereby constitutes and appoints Robert Sewell, of New York, his attorney, irrevocable, for him and in his name, to ask, demand, and receive the bounty to which he is entitled under the before-mentioned acts, with power of substitution and revocation, hereby ratifying all that his said attorney may lawfully do by virtue hereof.*

JOHN DOE.

Also appeared Richard Roe and Albert Smith, of New York, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn, say that they were present and saw John Doe sign his name to the foregoing declaration. And they further say that, from their acquaintance with him, and his appearance, they have every reason to believe him to be the identical John Doe, as represented by him. And they further say that they do reside as aforesaid, and have no interest in this claim.

RICHARD ROE.

ALBERT SMITH.

Sworn to and subscribed by said applicant and witnesses, on the 1st day of November, 1863.

J. BRAINEED TAYLOR, Notary Public.

* The discharge of the soldier is all the proof necessary to file with this declaration; see page 73.

FORM No. 19.

Declaration of Mother of deceased Soldier, whose Husband is living, but who is a habitual drunkard, to enable her to collect arrears of Pay and Bounty.

State of New Jersey, }
County of Hudson, } *ss.*

On the tenth day of November, in the year one thousand eight hundred and sixty-three, personally appeared before me, a justice of the peace within and for the county and State aforesaid, Ruth Roe, of Centreville, in said county, aged 57 years, who, being duly sworn according to law, declares that she is the mother of James Roe, who enlisted in the service of the United States as a private in the company commanded by Captain Low (C), in the 21st regiment of New Jersey volunteers, in the war for the suppression of the Southern rebellion, who was killed in action on the 4th day of May, 1863, at the battle near Fredericksburg.* That he leaves no wife or child surviving him. That his father, her husband, John Roe, is now and has been for ten years a habitual drunkard, and incapable of supporting her. That he does not support her, but neglects to provide for her the necessaries of life. That his son, the aforesaid James Roe, contributed to her support during his lifetime. That she makes this application for the purpose of obtaining all arrears of pay and bounty that may be due to her said son, and that she hereby appoints Robert Sewell her attorney, to ask for and receive the same.†

RUTH ROE.

Also appeared Thomas Roe and Cornelius Doe, residents of Centreville, New Jersey, persons whom I certify to be respectable, and entitled to credit, and who, being by me

* See notes on pages 49, 50, and 51.

† Enlistment under chronic disease is a fraud, and invalidates a claim for bounty and pension. Brightley's Digest, 100.

duly sworn, say that they were present, and saw Ruth Roe sign her name to the foregoing declaration ; and they further swear that they have every reason to believe, from the appearance of the applicant, and their acquaintance with her, that she is the mother of James Roe, as represented by her, and that they, the said deponents, do reside in the town of Centreville, New Jersey, and have no interest in this claim.

THOMAS ROE.

CORNELIUS DOE.

Subscribed, acknowledged, and sworn to by the said applicant and witnesses, before me, on the 10th day of November, 1863.

GEORGE E. CUTTER.

Justice of the Peace.

FORM No. 20.

Proof to substantiate the foregoing.

State of New Jersey, }
 County of Hudson, } *ss.*

On this 10th day of November, A. D. 1863, personally appeared Thomas Roe, residing at Centreville, in the county of Hudson and State of New Jersey, and Cornelius Doe, of the same place, persons whom I certify to be respectable and entitled to credit, who, being by me first duly sworn according to law, depose and say that they well knew James Roe, who enlisted in the service of the United States as a private in the company commanded by Captain Low in the 21st regiment of New Jersey volunteers, and have known him for twenty years prior to his said enlistment ; that they well know Ruth Roe ; that she is the mother of the said James Roe ; that said James Roe left no wife or child surviving him. That they also well know John Roe, the father of said James Roe, who is a habitual drunkard, totally incapable of earning a living, in consequence of his

said drunkenness. That he does not support his wife, Ruth Roe, and does not supply her with the necessaries of life, and is not able to support her from his total incapacity, caused by drunkenness. That, before he went to the army, James Roe contributed to the support of his said mother by his earnings as an oysterman, and that, while in the army, he sent her regularly part of his pay. That they do reside as aforesaid, and have no interest in this claim. That their means of knowledge are derived from the fact that they are neighbors of said parties, and have been intimately acquainted with them for twenty years.

THOMAS ROE.

CORNELIUS DOE.

Sworn to and subscribed before me, this 10th day of November, 1863, and I certify that I have no interest in said claim.

GEORGE E. CUTTER.

Justice of the Peace.

The following circular contains the instructions of the Second Auditor of the Treasury concerning the preparation of claims, and is given here for the further elucidation of the subject, and because I have several times referred to it in this chapter.

INSTRUCTIONS FOR PREPARING CLAIMS FOR SOLDIERS' PAY.

To enable those who may have claims upon the United States, for moneys due deceased officers and soldiers, on account of military services rendered, whether in the regular or volunteer service, to obtain the same, the following information is furnished:

ORDER OF PAYMENT OF ARREARS OF PAY.

Order First.—If the deceased was *married*, payment will be made—1st, to the widow; 2d, if no widow, to his child or children (if minors, to a guardian).

Order Second.—If he died *unmarried*—1st, to the father; 2d, if the father is dead, to the mother; 3d, if both parents are dead, to the brothers and sisters, collectively; lastly, to the heirs general (to be distributed in accordance with the laws of the State in which the deceased had his domicile).

OF BOUNTY.

The act approved July 11, 1862, provides "that said bounty shall be paid to the following persons, and in the order following, and to no other person, to wit: First, to the widow of such deceased soldier, if there be one. Second, if there be no widow, then to the children of such deceased soldier, share and share alike. Third, if such soldier left neither widow, nor child, nor children, then, and in that case, such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: First, to his father, or, if he shall not be living, or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother, as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid."

By the same act, the bounty of one hundred dollars to widows, &c., of volunteers is also given to the widows, &c., of those persons who have enlisted in the regular forces since the first day of July, 1861, or shall enlist in the regular forces during 1862, to be paid to the heirs named in this act. Widows of commissioned officers, and of soldiers dying after being *discharged*, are not entitled to bounty, nor are the widows of deceased three-months' volunteers.

Disloyalty.—In section 4 of "An act to grant Pensions," approved July 14th, 1862, it is provided "that no moneys shall be paid to the widow, or children, or any heirs of any deceased soldier, on account of bounty, back pay, or pension, who have in any way been engaged in or who have aided or abetted the existing rebellion in the United States;


but the right of such disloyal widow or children, heir or heirs, of such soldier shall be vested in the loyal heir or heirs of the deceased, if any there be."

Information in regard to such cases will receive the attention of the accounting officers.

APPLICATION, PROOF, AND AUTHENTICATION.

Application.—The claimant or claimants must make a written application, under oath, and over his, or her, or their own signature, stating his, her, or their name, age, residence, connection to the deceased, with the letter or name of the captain of the company and regiment to which he belonged; time of his death, and the nature of the pay claimed—whether "arrears of pay," &c.; and the "\$100 bounty," under act of July 22d, 1861.

An application by a guardian should give the name and age of the ward or wards, and should be accompanied by letters of guardianship, or an authenticated copy thereof. In the application of a mother, claiming bounty, her husband being alive, the facts upon which the claim is made should be clearly stated and proved. If the soldier died unmarried, leaving no child, it must be stated by the applicant, and also by the disinterested witnesses.

Proof.—To satisfy the accounting officer that the person or persons thus claiming is or are entitled to the money in the character he, she, or they claim, the depositions of two credible witnesses will be required, stating that they are acquainted with the claimant or claimants, the connection held to the deceased, and that they (the deponents) are disinterested.  Proof of marriage (record evidence, if possible) must always accompany the applications of those claiming to be the widows.

Authentication.—The application and depositions, above required, to be subscribed and sworn to before a judge, commissioner, notary public, or justice of the peace, duly au-

thorized to administer oaths, accompanied by the certificate and seal of a court of record as to the fact of the said judge, &c., being duly commissioned and acting in his official capacity at the time of the execution of the foregoing papers.

Administration.—As the taking out of “letters of administration” is attended with considerable expense (seldom necessary), it is suggested that it be done *only* when required by the accounting officers. The bounty, being no part of the estate of the deceased, but a gratuity to the heirs, will in no case be paid to an administrator.

Discharged Soldiers.—When a soldier (or volunteer) is discharged, he is (or should be) furnished with a regular “Discharge” and *two* (duplicate) “Pay Certificates,” and one or more disability certificates, if discharged on account of disability. Upon these papers he can be paid by a paymaster of the army upon their presentation. Should he fail to present them for payment to a paymaster, or, having presented them, and payment being refused, they are sent to this office, the applicant must state the reasons for such refusal, accompanied by proof of identity and authentication, as in the case of deceased soldiers. In no case should the “oath of identity,” *on the back of the “Discharge,”* be filled up, as the “Discharge” is returned to the soldier after his claim has been acted upon. Where “Pay Certificates,” and certificates of disability have been withheld, he must send all other papers given to him at the time of his discharge, together with the certificate of his captain that no such certificates were given him, and the reasons for withholding them. In case the certificates are claimed to have been lost, an affidavit of such loss must be furnished, stating the circumstances under which it occurred; that he had diligently searched for them without success, and that he had not received pay thereon, nor assigned them to any person.

No soldier, discharged under any circumstances, can receive the bounty provided by the act of July 22d, 1861,

unless "he shall have served for a period of two years, or during the war, if sooner ended."

Pensions.—Applications for pensions, on account of "disability" received in the service, or for widows and children under the act of July 14th, 1862, should be made to the Commissioner of Pensions, and not to this office.

Mode of Payment.—Payments will be made by an order from the accounting officers on any paymaster of the army. Such order will require the signature of the claimant on its face, written by himself, or herself, and duly witnessed.

Mode of presenting Claims.—All claims for arrears of pay and bounty may be sent directly to this office. When received, they are entered upon the register; as soon as practicable they will be examined, and if found correct in form, they are placed upon the files for settlement, and their receipt acknowledged. If incorrect, the party sending it is immediately notified. No "special cases" will be made at the solicitation of attorneys, but when evidence can be obtained, cases will be audited in the order in which they are received. The only exception to this rule is when, in settling a case in its order, evidence is found upon the same rolls by which to settle other claims of soldiers deceased in the *same company*. Letters of inquiry in relation to a *claim*, should specify the name of the deceased and the company, regiment, and State to which he belonged, and, in all cases, to secure an answer, the name, post office, and State of the writer should be distinctly written.

Forms.—The form accompanying this circular is intended only as a guide, and must be varied to suit special cases. No claim is rejected on account of the form in which it is presented, if it substantially complies with the instructions.

To Correspondents.—Letters of inquiry, relating to the pay of soldiers in hospital or on furlough, should be addressed to the paymaster-general. Inquiries relating to the

pay of deceased teamsters, or other employés of the quartermaster's department, or for the pay of horses killed or lost in the service, to the Third Auditor, and relating to the pay and bounty of persons in the marine or naval service, to the Fourth Auditor.

EZRA B. FRENCH,
Second Auditor of the Treasury Department,
Washington City, D. C.

Form of Application for Arrears of Pay and Bounty.

I, _____, of _____, in the county of _____ and State of _____, on oath say, that my age is _____ years, and that I am the _____ of _____, late of _____, in the State of _____, who was a _____ in company _____ of the _____ regiment of _____, and died in the service of the United States at _____, on the _____ day of _____, 186-.

[If the soldier died unmarried, leaving no child, it should be here stated. If the application is by the mother, she should also state the name of the father of the deceased, his death, or abandonment of the support of his family, giving the date and all facts necessary to a proper understanding of the case. If the application is by the widow of the deceased, she should here state her maiden name, when, where, and by whom she was married to him, and whether or not there is record evidence of such marriage.]

I make this application to recover all arrears of pay or other allowances due to the deceased from the United States, and the bounty provided by the sixth section of the act of July 22d, 1861. (Signature of claimant.)

State of _____, }
County of _____, } ss.

Personally appeared the above named _____, to me well known, and subscribed and made oath to the foregoing statement on this _____ day of _____, 186-, before me.
(Name of official title.)

Form of Affidavit.

We, —— and ——, of ——, in the county of —— and State of ——, on oath say, that we are and have been for —— years well acquainted with ——, the applicant, and with the said ——, deceased, who was a —— in company —— of the —— regiment ——, and know —— to be the —— of the said deceased—[*If he died unmarried, leaving no child, it should be here stated; and if the application is by the mother, the fact of her widowhood, or the abandonment of her husband, should be stated, as in the application*]—and that we have no interest whatever in this application.

(Signature.)

(Signature.)

[Certificate of the magistrate the same as above.]

CHAPTER VII.

PENSIONS.

THE United States has had upon its statute books laws granting pensions since April 10th, 1806, when the act which formed the foundation of our pension system was approved. Many acts on the same subject have since become laws, but it is no part of the scope of this volume, or of the writer's intention, to enter into the subject of the past history of the pension laws, except so far as is necessary to elucidate and illustrate the new law. The act of Congress approved July 14th, 1862, is the law which governs all cases arising since the 4th March, 1861, and it would seem to be best to keep the subject as clear as possible of all laws prior to this one, as this must prove, for the future, to be, if not the sole authority under which to apply for pensions, so nearly so as to render allusion to former legislation illusive.

The act has made a revolution in the whole subject of pensions, and is probably the most humane and liberal law of that description ever enacted by a legislative body. It will be found at length in another place, and a careful perusal of it will impress the reader with its completeness and its liberality.

We will discuss the subject at length, and, for purposes of convenience, divide it into several heads.

WHO ARE TO RECEIVE PENSIONS ?

The beneficiaries under the act may be divided into two classes : the persons who performed the service for which the pension is granted, and those dependent on them for support. The former of these classes includes all officers, non-commissioned officers, musicians, and privates of the army, including regulars, volunteers, and militia ; and officers, warrant and petty officers, musicians, seaman, ordinary seamen, flotillamen, marines, clerks, landsmen, pilots, or other persons in the navy or marine corps, who have been, since the 4th March, 1861, or shall hereafter be, disabled by reason of any wound received or disease contracted while in the service, and in the line of duty ; and they shall be entitled to receive pensions under the act, according to the degree of disability.* See act of Congress approved July 14th, 1862.

Of the second class the law provides that, where any of the persons above named die by reason of any wound received or disease contracted while in the service, in the line of his duty, a pension shall be paid to his widow, if there be one, until she marries again. If there be no widow, † the children under sixteen will receive the pension until they are sixteen. In case the widow marries while the children are under sixteen, they will then take the pension until

* Pensioners enlisting in the Invalid Corps will not be paid pensions while so enlisted, but after the expiration of their enlistment they will resume the pension.

† The pension is payable to the widow. If a woman be divorced from her husband in his lifetime she ceases to be his wife, and consequently cannot claim the pension as widow. Otherwise, however, where the divorce is less than a *vinculo matrimonii*. It would appear that a divorce obtained by the wife against the husband, even although invalid at law for some irregularity or technical defect, bars the woman from claiming as widow. The pension office cannot go behind the record to examine into the validity of the judgment or decree of any competent court. See Opin. Att'y Gen., case of claim of divorced wife of Aaron Burr. In this case the claim rested on the statute of New York, which leaves the wife all rights to the husband's estate when the decree is against him. The claim was overruled on the above principles.

they attain that age.* Where the person dying, as before mentioned, leaves neither wife nor minor child, but leaves a mother who was dependent in whole or in part on him for support, such mother will receive a pension for her lifetime, provided she does not marry after the death of her son. Where there are no representatives of the deceased of either of the above classes, his orphan sisters under sixteen will receive the pension until they are sixteen. In all these cases of pensions to relatives for the service of a deceased soldier or

* That is, the children under sixteen will collectively receive the same pension that their mother would be entitled to, had she remained a widow. As the children attain the age of sixteen respectively, they cease to receive a portion of the pension, but still the whole pension continues to those under that age. Thus, suppose there are three children, John aged twelve, James aged six, and Mary aged two years, the pension goes to the three children, till John reaches sixteen, when he has no further claim. James and Mary continue to receive the full pension, and when James becomes sixteen, Mary receives the whole pension till she, herself, reaches that age. Pensions to all classes are designed, not to furnish a luxurious living to an idle class, but to keep from want those who are rendered unable to support themselves by their services to their country, and to provide for persons who have been deprived of their natural providers. It is expected that guardians of orphan children will bring them up to some useful calling, and so educate them as to enable them to earn their own living. For this reason, the pension is granted until they are sixteen, at which age their education will be completed, and they will be able to support themselves by their own labor.

The charitable institutions which are springing up for the purpose of providing for soldiers' orphans, have a noble work before them, and if it could be so arranged, children in those institutions, but especially girls, ought to be educated to a useful calling in them, and their pensions deposited in savings banks until the child leaves the institution, when the amount accumulated would reach a sum sufficient to start the child in life. Suppose a girl is admitted to such an institution at the age of three, an officer of the institution, or other humane person, becomes her guardian and obtains her pension. Let the semi-annual payments be invested at 6 per cent., and the child will have, on its attaining the age of sixteen, the sum of \$1,888.28 with which to start out into the world. I commend these ideas to the notice of the charitable. Probably the best method of investing the sums obtained as pensions would be to take out an endowment policy on the life of the child, payable when it attains the age of sixteen. The New York Mutual Life Insurance Company, which is a noble monument of economic philanthropy, grants such policies, and the child in this way secures at once a safe investment and the benefits of compound interest.

sailor, the rate of pension is to be the same as that to which he would be entitled, were he alive, for a full disability.

Heretofore, under various pension laws, it was held indispensably necessary to entitle to a pension, that the person for whose services the pension was claimed, should have *died* in the service of the United States. Under this act, however, it is sufficient that the wound or disease causing death should have been received or contracted in the service; and this applies alike to army and navy pensions. This provision is eminently just and proper. Men are discharged with incurable diseases contracted in the service, and if they afterward die of such causes, there would be little equity in refusing to the widow a pension because her husband did not more expeditiously shuffle off this mortal coil. The pension laws ought to be comprehensive enough to cover all cases where the claimant is a sufferer by the services of her or his natural protector, in the service of the nation. See this subject more fully discussed in the report of Mr. Ushur, Secretary of the Interior, to Congress, December, 1863.

Rate of Pension for full disability, which is the same as that granted to the representatives of a deceased soldier above named.

ARMY.

	Per Month.
Lieutenant-Colonel, and all other officers of the army of a higher grade,	\$30 00
Major	25 00
Captain.....	20 00
First Lieutenant.....	17 00
Second Lieutenant.....	15 00
Non-commissioned Officers, Musicians, and Privates.....	8 00

NAVY.

Captain, Commander, Surgeon, Paymaster, Chief Engineers respectively ranking with commander by law, lieutenant commanding and master commanding.....	30 00
Lieutenant, Surgeon, and Chief Engineers respectively ranking with lieutenant by law, and passed assistant surgeon.....	25 00
Professor of Mathematics, Master, Assistant Surgeon, Assistant Paymaster and Chaplain.....	20 00

PENSIONS.

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	Per Month.
First Assistant Engineers and Pilots.....	\$15 00
Passed Midshipmen, Midshipmen, Captain's and Paymaster's Clerk, second and third Assistant Engineer, Master's Mate, and all warrant officers.....	10 00
All petty officers and all others in the naval service.....	8 00

TIME WHEN PENSION BEGINS.

Invalid pensions commence from the day of the discharge from the service of the person entitled thereto; provided, however, that application for the same be made to the Commissioner of Pensions before one year from the date of discharge. If such application be not made within this specified time, the pension will only commence at the date of application.*

Widows', mothers', children's, and sisters' pensions commence to run from the day of the death of the person for whose service the same is granted.†

COURSE TO BE PURSUED TO OBTAIN PENSION.

The Instructions of the Commissioner of Pensions as to the method of applying for army and navy pensions are given in full herein; but, as previously in the case of bounty applications, I propose to illustrate the subject more fully, and to give the greatest amount of practical acquaintance with it, by following the application for pensions of the different classes from beginning to end.

FORM No. 21.

Application for an Invalid Army Pension.‡

State of New Jersey, }
 County of Hudson, } ss.

On this 11th day of April, A. D. one thousand eight hundred and sixty-three, personally appeared before me, Robert

* See 5th section of act of July 14th, 1862.

† See sec. 3d of act of July 14th, 1862.

‡ When a claim for a pension has been decided, the case cannot be reopened

Gilchrist,* clerk of the said county and of the Court of Common Pleas, a court of record within and for said county and State, William Kinley, aged 40 years, a resident of Jersey City, in the State of New Jersey,† who, being duly sworn according to law, declares that he is the identical William Kinley who enlisted in the service of the United States at Jersey City on the 10th day of August, 1861, as a private in company ‡ H, commanded by Captain Baker, in the 1st regiment New Jersey volunteers, in the war of 1861, and was honorably discharged on the 2d day of February in the year 1863; that while in the service aforesaid, and in the line of his duty,§ he received a wound in the left side from

unless in such time as a writ of error might be had at the common law, that is within five years. Opin. of Sec. of Int., case of Mrs. Hodges.

* The declaration of the applicant for a pension of any kind, must be sworn before a court of record. The clerk of the court having custody of the seal is a proper officer to swear before. The oath may, however, be taken before a judge of the court, but after it is signed by him, it must be taken to the clerk and sealed. The Court of Common Pleas in the City of New York has by tacit consent become the court before which pension claims are sworn to; but they may be sworn to before the clerk of any court of record. The name of the officer before whom the oath is taken, ought to be inserted, as well as the name of the court, to which should be added the words "which is a court of record."

† The age of the applicant and his place of residence are necessary to be stated as showing or tending to fix the identity of the party.

‡ State with great particularity the letter of the company, the name of the captain or other officer in command, and the number of the regiment, as well as the State and other distinctive description. When the regiment is of infantry, that fact need not be stated, but when of any other arm it should be so stated, as thus: 2d Regiment, Rhode Island Cavalry Volunteers; or, 10th Battery, New York Volunteer Artillery; or, 17th New York Mounted Rifles Volunteers.

§ "In the line of his duty." These words have been used in many of the pension laws heretofore passed, and have been decided to mean while in the service, and not in the commission of any crime. Thus, a soldier or officer is in the line of his duty while awaiting orders, although he may be doing no particular duty at the time. But an officer or soldier is not in the line of his duty while absent on leave or furlough. And while acting in disobedience of orders, or in a manner prejudicial to good order or discipline, or in violation of the articles of war, a man could not be said to be in the line of his duty. Thus, if a deserter were shot in the act of leaving his colors and going over to the enemy, he would not be acting in the line of his duty, and, consequently, his relatives would not be

the fragment of a shell.* This at or near Manassas, on or about the 27th August, 1861.† That since leaving the service of the United States, he has resided at Jersey City, in the county of Hudson and State of New Jersey, and has been engaged in no business.‡ And he hereby appoints Robert Sewell,§ of the city and State of New York, his attorney, with full power of substitution, to prosecute this his claim for an invalid pension, under the act of Congress approved July 14th, 1862, and to receive such certificate as may be issued for the same.

WILLIAM KINLEY.

Post-office address,| 160 Grand street,
Jersey City, N. J.

entitled to a pension. A prisoner of war, however, is in the line of his duty, and disease or injury, caused by imprisonment, would entitle such an one to a pension. So, too, a prisoner of war dying in prison, his friends would be entitled to a pension, if the cause of death occurred while in prison, or otherwise in the service in the line of duty.

See 1 Opin. of Attorney General, 181, 461. 2 *Id.* 542, 545. *Accardi vs. United States*, Dev. C. C., 184. See also Brightley's digest, note d, page 100. Death arising from intemperance is not in the line of duty, intemperance being a violation of military law. See also decision of Secretary of Interior, case of Rebecca White; Opin. of Attorney General, April 6, 1815.

* Pensions are only allowed for injuries received while the applicant was actually employed in the duties peculiar to a soldier. If he would have been equally liable to the same injury in private life, or if it resulted from his own fault, he would not be entitled. Sec. of War, July 15, 1824.

† The statement of the injury, or the disease, from the results of which the disability occurred for which the pension is claimed, should be of the most accurate character. The date, the place, and the injury should be stated with great exactness, and it should always be stated that the injury was received while in the service of the United States, and in the line of his duty.

‡ The residence since leaving the service and the employment must be stated.

§ If an attorney be employed, power must be given to him to act by the claimant, under his own hand, before two witnesses, and acknowledged before a magistrate. To save a separate instrument, the power of attorney may be inserted in the declaration. If the case is prosecuted by the claimant without the aid of an attorney, this clause will of course be omitted.

| The post-office address of the applicant must be stated, and, when he resides in a city, the street and number of his residence.

Also personally appeared John Doe and Edward Roe, residents of Jersey * City, in the State of New Jersey, persons whom † I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw William Kinley sign his ‡ name to the foregoing declaration; and they further swear, that they have every reason to believe, from the appearance of the applicant, and their acquaintance with him, that he is the identical person he represents himself to be; and they further state, that they have no § interest in the prosecution of this claim, and that they have a personal knowledge of the habits and occupation ¶ of the said William Kinley since he left the service of the United States; that since that time his habits of life have been good and regular, and that he has been engaged in no occupation. ¶

JOHN DOE.

EDWARD ROE.

Sworn to, subscribed, and acknowledged before me, this 11th day of April, A. D. 1863; and I certify that I have no interest, ** direct or indirect, in the prosecution of this claim.

[Seal of County.] ROBERT GILCHRIST, †† Clerk.

* The residence of the witnesses should be stated, and it is not inappropriate to give their business or professions.

† The certificate of the officer that the witnesses are respectable and entitled to credit, is essential, and must be particularly stated.

‡ When the applicant cannot write, the witnesses will swear that they saw him make his mark.

§ The declaration of no interest is essential in all cases of witnesses testifying in pension cases. See Instructions of Commissioner.

¶ It is necessary, under the discretionary power given to the Commissioner of Pensions to prescribe forms, &c., that two witnesses should swear to the personal habits of an applicant for an invalid pension. I can find nothing in the law, however, which would authorize the Commissioner to refuse a pension to an invalid on the ground of his habits being bad.

¶ If the applicant has been engaged in any occupation, here state the same fully.

** The certificate of no interest in the claim must be given by every magistrate or other officer, before whom any paper is sworn to in a pension case. See Instructions of Commissioner.

†† The person before whom the oath was taken, must sign. The signature of the clerk by a deputy, will be returned by the Pension Office.

FORM No. 22.

Certificate of Officer.

I do hereby certify that William Kinley,* a private in company C, in the 1st regiment New Jersey volunteers, was present at or near Manassas, on the 27th August, 1861, with his command, and was then and there, while in the line of his duty as a soldier, in action with the enemy, wounded in the left side by a fragment of a shell.

G. BAKER,†

Captain Com. Co. C, 1st N. J. V.

In case it is impossible, by reason of death or otherwise, to obtain the certificate of the captain, that of any commissioned officer present, having knowledge of the facts, will be of equal force. In cases, however, where the officer making the certificate has left the service of the United States for any reason, he must swear to his certificate before a proper officer, whose official character must be certified in the usual way.

Where it is impossible to obtain the certificate of a commissioned officer, the evidence of two privates or non-commissioned officers having knowledge of the circumstances must be obtained, and an affidavit explaining the reason of the absence of an officer's certificate submitted.

This is all that is necessary in filing a claim for an invalid pension. It is not necessary to file the discharge. The papers should be folded in the ordinary shape of law papers, and inclosed in an envelope of the size known as official, and addressed to the Commissioner of Pensions,

* It would appear that persons of African descent engaged in the military or naval service of the United States, are entitled to the benefit of the bounty, pension, and prize laws. Opin. Att'y Gen., March 27, 1828.

† The certificate must be signed by an officer actually in service, and should have his rank and regiment appended. If out of service, the officer must swear to it like any other witness.

Washington, and the necessary postage stamps affixed to prepay the postage.

As soon as received, the Pension Office acknowledges the receipt of the application, and gives its number, which should be at once accurately recorded, as in all future correspondence with the office you are required to give the number of the case referred to, which should also be written on the outside of the envelope.

Where the official record to which the Pension Office has access,* shows that the claimant is entitled to a pension by reason of any permanent disability, such as the loss of an arm or leg, the pension will be granted usually upon this information. Where, however, as is usually the case, the record is deficient in this respect, the Commissioner will order a medical examination of the applicant by a surgeon of his selection. The applicant must then appear before such surgeon for examination. The fee allowed by law to the surgeon is one dollar and a half, and it is the duty of the surgeon to give the claimant a receipt for the same, which receipt should be forwarded to the Pension Office, and if the claim is allowed, the fee for examination will be returned to the claimant when he draws the first pension.

The examining surgeons are furnished by the Pension Office with minute instructions, and they decide what amount of pension the applicant is entitled to, whether full, half, or quarter, according to the degree of disability.

FORM No. 23.

Application for a Pension by the Widow of a Deceased Soldier.

State of New York, }
 City and County of New York, } ss.

On this 10th day of October, A. D. one thousand eight hundred and sixty-two, personally appeared before me, Na-

* If a soldier be returned on the rolls as a deserter, the charge cannot be ob-

thaniel Jarvis, jr., clerk of the Court of Common Pleas of the city and county of New York, which is a court of record, Mary Reeve, a resident of said city and county, aged 22 years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefit of the provision made by the act of Congress approved July 14th, 1862. That she is the widow * of William Reeve, who was a private in company A, commanded by Captain Ives, in the 79th regiment of New York volunteers, in the war of 1861, who was killed in action at the battle of Antietam Creek, in the State of Maryland, on the 17th day of September, 1862, while in the service of the United States, and in the line of his duty. She further declares that she was married to the said William Reeve † on the 31st day of December, 1860, by Rev. T. G. Osborn, at New York; that her husband, the aforesaid William Reeve, died on the day above mentioned, and that she has remained a widow ‡ ever since that period, and that her name, before she was married, was Mary Crane.§ And she also declares that she has not in any manner been engaged in, or aided or abetted, the rebellion in the

viated by parole proof. If the charge be unfounded, the War Department should be satisfied of that fact, and the roll corrected. Sec. of Int., case of Adam Carver, June 23, 1853. Also see Opin. Sec. Int., case of R. E. Kelly, March 16, 1852.

* Second marriage does not, it would seem, bar the right of a widow to a pension for the services of her first husband, provided she did not apply for the same till after the death of her second husband. Opin. Sec. of War, Nov. 17, 1842. I very much doubt the applicability of this doctrine, however, to the act of 1862.

† The declaration respecting the marriage ought to be made as precise as possible, giving the date and place where the ceremony was performed, and the name of the minister or magistrate who solemnized the marriage.

‡ The declaration that she has remained a widow since the death of her husband, is necessary, because when she marries she loses the pension.

§ The setting forth the name before marriage is not prescribed by the Commissioner's instructions, but it is obvious that it is necessary in order to show that she is the person named in the record of marriage. It is better to insert it.

United States.* She also declares that there is no child of the said William Reeve now living † under the age of sixteen years, and that she now resides in the city of New York, and that she hereby appoints Robert Sewell, ‡ of New York city, in the State of New York, her attorney, with full power of substitution, to procure for her from the United States such pension as she is entitled to, and to receive such certificate as may be issued for the same.

MARY REEVE,
Post-office address, 40 Thompson street, §
New York.

Also personally appeared Catharine Berrian and Mary Curry, residents | of New York, in the State of New York, persons whom I certify to be respectable and entitled to credit, | and who, being by me duly sworn, say that they were present and saw Mary Reeve sign her name | to the foregoing declaration; and they further swear, that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be, and that they have no interest in the prosecution of this claim. ¶ Also,

* This declaration is rendered necessary by the Pension act, which deprives persons who have been engaged in, or who have aided or abetted the rebellion in the United States, from any of the benefits of the act.

† If there are any children under sixteen, their names, and the dates of their birth should be inserted here. Should the mother die or marry before the children attain the age of sixteen, the pension will be continued to the children under that age. The omission of the child's name in the mother's application, might cut the child off from the benefits of the law, in case of the mother's death or marriage.

‡ This clause will be inserted if there be an attorney in the case. See note on page 83, *ante*.

§ Signature must be accompanied with post-office address. See note on page 83, *ante*. This is in order that the Commissioner may inform the applicant, when a pension has been granted, in order to prevent fraud on the part of the attorney, and is prescribed by act of Congress.

| See notes on page 84, *ante*.

¶ The depositions of witnesses in a widow's case are made more explicit as to

that they know Mary Reeve is the widow of the within-named William Reeve, who performed the military service mentioned in the declaration, from a personal acquaintance with her of about ten years, and with her said husband of about one year before his death. That they lived together and were reputed to be husband and wife, and that she has remained a widow since his death, and that the said William Reeve left no child under sixteen years of age. That they do reside as aforesaid, and that their means* of knowledge of all these facts are derived from their long personal acquaintance with the parties.

CATHARINE BERRIAN.

MARY CURRY.

Sworn to, subscribed, and acknowledged before me, this 10th day of October, 1862; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.†

N. JARVIS, JR.,

[Seal of Court.] Clerk of Court of Common Pleas,
City and County of New York.

Proof of the marriage is the only evidence necessary to submit with this declaration in the first instance. The first and best proof is the public record. By the laws of the State of New York, marriages should be recorded, but the law is not generally complied with. In the city of New York, the city inspector is the officer who keeps the record. If the marriage is recorded in his office, a transcript of the

identity than others, because, ordinarily no other proof is required, save proof of the marriage; and it will be best in all such cases to have as attesting witnesses persons who can swear from personal knowledge to the facts in the above form, and to follow the form as far as possible. They must swear that they are disinterested. See note on page 84, *ante*.

* In all cases where witnesses state facts, they must also state their means of knowledge of those facts, and it is best to state the circumstances under which the knowledge was acquired as fully as possible. Thus, if the witnesses testify to the death of a person, they ought to state how they know it, as by being present at the funeral or the like.

† See notes on pages 82, 83, and 84, *ante*.

record can be procured from him for one dollar, and this is received as conclusive evidence by the Pension Office. In other places, where there is a law relating to marriage records, the copy of the record can be obtained in like manner. But it will be found that in a majority of cases no such public record exists. In such cases, where the claimant has a certificate of the clergyman who performed the ceremony, the better plan is to record it in the proper office and procure a certified copy. The certificate itself, being unauthenticated, is not evidence, but it can be recorded, and then the record becomes evidence. This course has many advantages. The clergyman may be dead, the books of the church may be lost or mutilated, and besides all this, the course advised perpetuates the testimony, by placing it in the custody of a public officer, where it is always available as conclusive evidence.

In case, however, it is not possible to have the marriage recorded, it will then be necessary for the declarant to make an affidavit that no public record of the marriage exists, or, if such be the fact, that it is inaccessible, stating the facts which make it so. This prepares the way for the introduction of private record evidence.

This evidence may be an entry in the church books, or in a family Bible, or other contemporaneous writing regarding the event. The copy of the record in the church books should be made by the minister or other person who has the custody and charge of them, which should be sworn to be a true copy by him, and the paper perfected by the signature of a magistrate and of the county clerk.

It may be here laid down as a general rule that every witness attesting facts in relation to a pension claim must swear that he or she has no interest in the claim, and every officer before whom such oath is taken must certify that he has no interest in the prosecution of such claim. Papers deficient in these respects, even if correct in all others, will be returned.

The following form is given of proof of marriage by copy of private record for use in the Pension Office. It will be seen that it differs in some respects from what is necessary in proving the same fact in the office of the Second Auditor.

FORM No. 24.

Proof of Marriage by Copy of Private Record.

Transcript from the books of the Allen street Methodist Episcopal church, in the city of New York.

“December 31st, 1860. William Reeve, of New York, and Mary Crane, of New York; Amelia Osborn, witness; T. G. Osborn, minister.”*

State of New York, }
 City and County of New York, } *ss.*

Samuel H. Smith, being duly sworn, says that he is the pastor of the Allen street Methodist Episcopal church in the city of New York, and has the custody † of the records of said church. That the above is a true copy taken by him from the entry in said record of the marriage of William Reeve and Mary Crane, and that the book containing the original record is now within his control; and, further, that he has no interest in the claim of Mary Reeve to a pension.

SAMUEL H. SMITH.

Sworn to and subscribed before me, on the 1st day of November, 1862, and I certify that the deponent, ‡ Samuel

* The transcript should be an exact copy of the record, without addition or subtraction of a single word.

† It is essential that the person swearing to the truth of the copy, should swear that he has the custody of the original record, or that it is within his control.

‡ It is necessary in this, as in all cases, that the magistrate should certify to the credibility of the witness.

H. Smith, is a minister of the gospel, and a credible person, and that I have no interest in the prosecution of said claim.

J. BRAINERD TAYLOR,

[L. s.]

Notary Public.

State of New York,
City and County of New York, } ss.

On the 1st day of November, 1862, personally appeared before me Mary Reeve, who, being first duly sworn, says that she was married to William Reeve on the 31st of December, 1860, by the Rev. T. G. Osborn, pastor of the Allen street Methodist Episcopal church in the city of New York, that she has caused to be searched the public records of marriages appointed by law to be kept in the office of the city inspector in said city, and that the marriage is not there recorded, and as she verily believes, the only record of her said marriage is contained in the books of the Allen street Methodist Episcopal church aforesaid, a certified copy of which is hereto annexed.*

MARY REEVE.

Sworn and subscribed to before me, on this 1st day of November, 1862, and I further certify that I am not interested in the prosecution of said claim.

J. BRAINERD TAYLOR,

[L. s.]

Notary Public.

In cases where there exists no public record of the marriage and no *quasi* public record, as in the books of a church or a parish register, but that there is an entry of the same in the family Bible or other place for private family records, an affidavit must be made by the claimant as in the former case, showing the absence of such record evidence, to prepare the way for the reception of a certified copy of the record in the archives of the family. The following form will be found to answer in such cases.

* This affidavit is rendered necessary in order to account for the absence of the evidence by public record.

FORM No. 25.

Form of Proof of Marriage by Transcript from private Family Record.

State of New York, }
 City and County of New York, } ss.

On the 1st day of November, A. D. 1863, personally appeared Mary Reeve, who, being duly sworn, says that she was married to William Reeve, on the 31st day of December, 1860, by the Rev. T. G. Osborn, pastor of the Allen street Methodist Episcopal church in the city of New York. That she has caused search to be made for a record of said marriage among the records of marriages in the City Inspector's Office, the proper place for the same to be kept, but that there is no record of the same there. That she has also tried diligently to discover a record of her marriage in the books of the Allen street church, but that no such record exists in said books. That a record of said marriage exists in her family Bible, that the same was entered therein shortly after her marriage by her said husband, a duly certified copy of which is annexed hereto, and that she believes no other contemporaneous record of said marriage exists.*

MARY REEVE.

Sworn to and subscribed before me, this 1st day of November, 1862, and I certify that I have no interest in the prosecution of this claim.

J. BRAINERD TAYLOR,

[L. S.]

Notary Public.

State of New York, }
 City and County of New York, } ss.

I, J. Brainerd Taylor, a notary public duly appointed, commissioned, and sworn, within and for the county and State

* This affidavit, and all others of a like character, cannot be made too full and explicit. The presumption is very strong in all cases, that there is a record somewhere, and the evidence that there is not ought to be very strong to rebut this presumption.

aforesaid, do hereby certify that on the 30th day of October, A. D. 1862, before me personally appeared Mary Reeve, and exhibited to me her family Bible, upon a certain page of which book, being the page between the Old and the New Testament, I find the following record :

“ On December 31st, 1860, William Reeve, of New York, and Mary Crane, of New York, were married by the Rev. T. G. Osborn, in New York.”

And that at her request I have made this notarial copy of said record, and do hereby declare to all whom it may concern that the above is a full and perfect copy of the said record, and that it is written in said family Bible as aforesaid, and has every appearance of authenticity. And I further certify that I have no interest in the prosecution of the claim of the said Mary Reeve to a pension.

In witness whereof * I have hereunto set my hand and seal on the 30th day of October, 1862.

[L. s.]

J. BRAINERD TAYLOR,
Notary Public.

In the absence of any written record of the marriage, the next best evidence will be that of two credible witnesses who were present at the ceremony. This will be of comparatively rare occurrence, for in cases where such evidence is accessible, it is more than likely that a record of some kind will be within reach. I have had no case in my own practice where I could obtain proof of eye-witnesses present at the ceremony, but that, on further search, a record was found. An instance may arise, however, where the marriage was solemnized in a foreign country and the record be inaccessible. In such case the following form may be used.

* This form was used in an actual case, but the Pension Office called for the Bible to inspect the original. The form is good for all copies of papers, and may be safely used, it being inexpedient to send on the original in many cases.

FORM No. 26.

Form of Proof of Marriage by Witnesses.

State of New York, }
 City and County of New York, } *ss.*

On the 10th day of June, 1863, personally appeared before me Mary McQuinn, who, being by me duly sworn, says that she is a native of Castlebar, in the county of Mayo, Ireland; that on or about the 5th day of June, 1842, she was married to Thadeus McQuinn by the Rev. Father Donnelly, at a place called Moyculla, in said county. That she has repeatedly written to persons residing in said county for a copy of any record that might be found of said marriage, that the parish register of Moyculla contains no record of the same, and that Father Donnelly is dead. That there were many persons present at her said marriage, among others John Flynn and Catharine Costello, now residing in the city of New York, and that there is no contemporaneous record of said marriage in existence.

Witness,

J. BRAINERD TAYLOR.

her
 MARY + McQUINN.*
 mark

Subscribed and sworn to before me, on the 10th day of June, 1863, and I certify that I read and explained the foregoing affidavit to the deponent, and that she subscribed and swore to the same with a full knowledge of its contents; † and further, that I have no interest in the prosecution of the pension claim of said deponent.

[L. S.]

J. BRAINERD TAYLOR,
 Notary Public.

* Where a person subscribes to a paper, by making a mark instead of a signature, the person who writes the name should attest it as a witness.

† The Commissioner of Pensions requires that when papers are subscribed by parties who cannot write, the officer before whom they are sworn shall read and explain them to the witnesses, before administering the oath, and that he shall in his jurat certify that he has done so.

State of New York, }
 City and County of New York, } ss.

On the 10th day of June, 1863, personally appeared before me Catharine Costello, aged 43 years, and John Flynn, aged 50 years, residents of the city and county of New York, whom I certify to be respectable and entitled to credit, who, being by me duly sworn according to law, say that they do reside and are aged as aforesaid. That they are natives of the parish of Moyculla, in the county of Mayo, Ireland, and were residents of said parish until about the year 1847. That on or about the 5th day of June, 1842, they were present at the house of one John Foley, in said parish, and witnessed the marriage ceremony performed, according to the rites of the Roman Catholic Church, between Thadeus McQuinn and Mary Foley, by Father Donnelly, the priest of said parish. That the said Mary Foley then married is the identical person who now claims a pension as the widow of Thadeus McQuinn, and that she is his widow.* And they further swear that they have no interest in her claim for said pension.

Witness,

J. BRAINEED TAYLOR.

her
 MARY + COSTELLO.
 mark

JOHN FLYNN.

Subscribed and sworn to before me, this 10th day of June, 1863; and I do certify that I read the foregoing affidavit aloud in the presence of said deponent, Mary Costello, and that she swore to the same with a full knowledge of its contents. I also certify that I have no interest in the prosecution of the said pension claim.

[L. S.]

J. BRAINEED TAYLOR,
 Notary Public.

In cases where there is no record, public or private, of the marriage, and no witnesses can be found who were present at the ceremony, the only proof that can be offered will

* The identity of claimant with the person married ought to be thus shown.

be proof of public reputation. The Pension Office is very particular in its reception of this kind of proof, and before the same is taken, the Commissioner will insist on the most careful search after written evidence, even where the marriage was solemnized in a foreign country, and in one instance, where the proof on page 54 was received by the Second Auditor, and the arrears of pay and bounty paid to the applicant, the matter was suspended by the Commissioner of Pensions for further proof, pending which the claimant died. The occasions upon which proof of this character will be required are few, and the form given on page 54 may be followed, care being taken to make the witnesses swear to specific facts as far as possible, and that they have no interest in the claim. The magistrate, in such a case, must also certify that he has no interest in the claim, as he must certify in every paper to be used in the Pension Office. The way for the reception of this proof must be paved by an affidavit explaining the reason of the absence of better evidence, to be sworn to by the applicant as in the preceding forms, which may be followed for that purpose.

When the declaration has been sworn to before the clerk of a court of record, or one of the judges thereof, the seal of the court affixed, and the proof of marriage properly prepared and attached to or folded in the declaration, with the County Clerk's certificate attached, the case will be ready for transmission to the Pension Office. It should be folded in the same manner as law papers, and indorsed on the back, "Claim of —— for widow's pension;" if there is an attorney, his name ought also to be written on the back of the papers. The envelope should be of the kind called official, and ought to be addressed in a plain hand to Hon. Jos. H. Barrett, Commissioner of Pensions, Washington, D. C., or to whoever is the incumbent of that office, and deposited in the post office, postage paid.

When the deceased soldier or sailor leaves no widow, but leaves one or more minor children under the age of

sixteen years, the children collectively are entitled to the same pension that their mother would have received, were she living; but this pension ceases when the youngest child attains the age of sixteen years.

In order to obtain the pension for minor children, application must be made to a court having jurisdiction of their persons for the appointment of a guardian. The guardian so appointed must make application, setting forth his appointment as such guardian, and all other facts necessary to substantiate the claim.

FORM No. 27.

Form of Application by a Guardian for a Pension for Minor Children.

State of New York, }
 City and County of New York, } ss.

On the 10th day of August, A. D. 1862, personally appeared before me, Nathaniel Jarvis, jr., Clerk of the Court of Common Pleas of the city and county of New York, a court of record, Edward Johnson, of the city of New York, who, being by me duly sworn according to law, declares: That on the 5th day of August, 1862, he was duly appointed by the Honorable G. J. Tucker, Surrogate of the city and county of New York, guardian * of the persons and estates of John Henry Roe, who was born on the 5th day of July, 1852, William Roe, who was born on the 2d † day of April, 1856, and Eliza Roe, who was born on the 10th day of December, 1860, who are the only children under the age of sixteen years at the date of their father's death, of William Roe, who was a private in Company E, commanded by Captain

* This allegation is necessary to show by what right the claimant applies.

† The ages of the minors should be exactly stated, in order that it should appear by the record, how long they shall be entitled to the pension, their right to the same lapsing as each attains the age of sixteen.

M. C. Angell, in the 61st regiment of New York volunteers, in the war of 1861, who was killed at the battle of Seven Pines or Fair Oaks, in the State of Virginia, while in the service of the United States, and in the line of his duty, on the 1st day of June, 1862.

That the wife of the said William Roe, the mother of said children, Mary Jane Roe, died at New York on the 1st day of March, 1862.*

That declarant † has not been engaged in, or aided, or abetted in any way the rebellion in the United States.

That he makes this application in order to obtain the benefit of the provision made by the act of Congress approved July 14th, 1862, granting pensions to the minor children of deceased soldiers, and that he hereby appoints Robert Sewell, of New York, his attorney, with full power of substitution, to procure for him, as guardian of said minors, from the United States, such pension as they are entitled to, and to receive such certificate as may be issued for the same.

EDWARD JOHNSON,
Guardian.

Post-office address, 21 St. Mark's Square,
New York.

Also appeared David Paul Roe, of the town of Yonkers, in the county of Westchester and State of New York, and Peter Brown, of the city of New York, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn, say that they were present and saw Edward Johnson sign his name to the foregoing declaration, and that they know the said Edward Johnson to be the identical person who was on the 5th day of August, 1862, by the Surrogate of the city and county of New York, appointed guardian of the persons and estates of John Henry

* As the widow would be first entitled, were she alive, her death must be alleged and proven.

† This allegation is rendered necessary by the act of 1862, section 4.

Roe, William Roe, and Eliza Roe, minor children of William Roe, deceased. That they do reside as aforesaid, and have no interest in this claim.

DAVID PAUL ROE.

PETER BROWN.

Sworn to, subscribed, and acknowledged before me, this 10th day of August, 1862; and I certify that I have no interest, direct or indirect, in the prosecution of this claim.*

NATHANIEL JARVIS, JR.,

[L. s.]

Clerk Court of Common Pleas,
City and County of New York.

In order to support this declaration, it will be necessary to prove, 1st. Appointment as guardian; 2d. Ages of the children, and relation to deceased; 3d. Death of the mother; 4th. Proof of marriage of parents.

The appointment as guardian can only be proven by a copy of the order of the court, duly certified by the clerk, and having the seal of the court attached.

The ages of the children, and their relationship to deceased, may be proven by the entries of their births in the family Bible, or by the oaths of two credible witnesses having a knowledge of the facts, who must state how they acquired the knowledge. In the event of a record existing, it should be copied by a notary and certified under his seal, as in the case of proof of marriage by such entry; the form used in that case may be followed.

Proof by witnesses ought to be made by persons having very intimate knowledge of the fact. The surgeon or physician of the family, and the nurse, would be the best witnesses to such a fact, but it may be proven by any persons having knowledge of it. The following form may be modified to suit all cases:

* See notes to forms 21 and 23, *ante*.

FORM No. 28.

Proof of Age and Relationship of Children.

State of New York, }
 City and County of New York, } ss.

On the 10th day of August, 1863, personally appeared before me Edward Christian, of the city of New York, doctor of medicine, and Emma Jones, of said city, wife of Albert Jones, whom I certify to be respectable and entitled to credit, who, being by me duly sworn according to law, make oath and say: That they well knew the late William Roe and Mary Jane Roe, his wife, both now deceased. That they left surviving them children born during wedlock, John Henry Roe, who was born on the 5th day of July, 1852, William Roe, who was born on the 2d day of April, 1856, and Eliza Roe, who was born on the 10th day of December, 1860, and none others. That said children were born as aforesaid. That deponents' means of knowledge of said facts are derived as follows.* Deponent Edward Christian was the family physician of said William and Mary Jane Roe, and attended her in her illness at the birth of each of said children, that he noted the dates of said births in his note-book at the time, and has refreshed his memory concerning the same by referring to said note-book this morning. That deponent Emma Jones is the sister of Mary Jane Roe, and was present at her house at the time of the births of said children. That deponents do both reside as aforesaid, and have no interest in this claim.

EDWARD CHRISTIAN.

EMMA JONES.

* The value of this evidence will depend entirely on the circumstances under which the knowledge was acquired. The mere hearsay evidence which will usually be offered to prove these facts, ought not to be used, when the testimony of the medical man and a near relative can be had. The former has a motive for keeping a record of the facts, and has a right to refresh his memory by reference to it; and the memory of aunts is proverbially accurate on such subjects.

Subscribed and sworn to before me, this 10th day of August, 1863, and I certify that I have no interest in said claim.

[L. S.]

J. BRAINERD TAYLOR,
Notary Public.

Proof of the death of the mother must be made by two credible witnesses, and may usually be inserted in the affidavit proving ages of the children, as the same persons would be likely to have knowledge of both facts. The following may be inserted in such cases :

“ That the said Mary Jane Roe departed this life on the 10th day of February, 1861 ; that their knowledge of this fact is derived from their presence in the room of said Mary Jane Roe immediately before and shortly after her death, from seeing her in her coffin, and from attendance at her funeral.”

Marriage of the mother must be proven in the ordinary way ; see *ante*, forms 24, 25 and 26.

After the widow and minor children, the law provides that the mother of the deceased, depending on him in whole or in part for her support, is entitled to a pension, provided she has not married after the death of her son. The pension is for life or until she marries. Under this section of the act it would appear that the mother, to be entitled to the pension, need not be a widow, but she must be dependent on her son in whole or in part for support. By a recent decision of the attorney-general, it is held that the mother of an illegitimate child is entitled to a pension for the services of said son. It will not be necessary, therefore, henceforth, to prove the marriage of the parents. Neither is it necessary to prove the death of the father, except that such proof goes to show the dependence on the son for support.

Proof of dependence on son for support, must be strong, and must be of specific facts.

FORM No. 29.

Form of Declaration of Mother, for a Pension.

State of New York, }
 City and County of New York, } ss.

On the 18th day of November, A. D. 1862, personally appeared before me, Nathaniel Jarvis, jr., Clerk of the Court of Common Pleas of the city and county of New York, which is a court of record, Jane Ertzberger, a resident of New York, in the State of New York, aged 49 years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefits of the provisions made by the act of Congress approved July 14th, 1862. That she is the widow of Christopher Ertzberger,* and mother of William Ertzberger, who was a private in Company C, commanded by Captain Francis Grimm, in the 66th regiment of New York volunteers, in the war of 1861, who died in said service on the 30th day of December, 1861, of dysentery, contracted in said service in the line of his duty. She further declares that her said son, upon whom she was wholly or in part dependent for support,† having left no widow or minor child under ‡ sixteen years of age surviving, declarant makes this application for a pension under the above-mentioned act, and refers to the evidence filed herewith, and that in the proper department, to establish her claim.

She also declares that she has not, in any way, been engaged in, or aided or abetted the rebellion in the United States; that she is not in the receipt of a pension under the second section of the act above mentioned, or under any §

* Where the husband is alive, she will say the "wife" instead of "widow."

† It must be shown that she was in whole or part dependent on the deceased for support.

‡ This declaration that he left no widow or minor child under sixteen, is necessary to show the right of the mother to the pension.

§ See act of 1862, sec. 3.

other act ; nor has she again married since the death of her son,* the aforesaid William Ertzberger ; and she hereby appoints Robert Sewell, of the city of New York, her attorney, with full power of substitution, to prosecute this her claim for a pension, and to receive such certificate as may be issued for the same.†

Witness,	her JANE + ERTZBERGER. mark
N. JARVIS.	
Post-office address,	23 Market street, New York.

Also personally appeared Jane Ann Weaver and Catharine Preston, residents of New York, in the State of New York, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn, say that they were present and saw Jane Ertzberger make her mark to the foregoing declaration ; and they further swear, that they have every reason to believe, from the appearance of the applicant, and their acquaintance with her, that she is the identical person she represents herself to be, that they reside as aforesaid, and have no interest in this claim.

Witness,	her JANE ANNE + WEAVER. mark
N. JARVIS.	
	her CATHARINE + PRESTON. mark

Sworn to, subscribed, and acknowledged before me, this 18th day of November, 1862, and I certify that I have no interest in the prosecution of this claim, and that I read the foregoing to the declarant and witnesses, and that they subscribed and swore to the same with a full knowledge of its contents.

NATHANIEL JARVIS, JR.,
[Seal of Court.] Clerk Court of Common Pleas.

* The pension ceases on her marriage after her son's death.

† See notes to forms 21, 23 and 27.

The proof necessary to support this claim will be, 1st. Relationship to deceased, and that he left no wife or child; 2. Dependence on him in whole or in part for support.

It has been customary to prove the death of the husband of claimant, but as that circumstance is entirely immaterial except as going to show the dependence of the claimant on her son for support, I do not see why it is essential. A woman's husband may be living and yet, from desertion, disease, habitual drunkenness, or other causes, he may contribute nothing to her support. It will be well, however, in the affidavit proving that the son contributed to the mother's support, to set forth the circumstances of the father, whatever they may be, as a part of the *res gesta*, and if he be dead, the fact might as well be proven. The following form of affidavit proves the whole case, but where any of the material facts cannot be sworn to by the witnesses, other affidavits as regards those particular facts must be prepared, and the form may be modified accordingly.

FORM No. 30.

Proof of Relationship and of Dependence on deceased Son for Support.

State of New York, }
City and County of New York, } ss.

On the 18th day of November, 1862, personally appeared before me James Edwards, residing at No. 60 St. Francis street, in the city of New York, and Philip Reynolds, of No. 1163 Chambers street, in said city, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn according to law, say that they well know Jane Ertzberger of said city, applicant for a pension, that they have known her for the past twenty-five years, that she is the widow of Christopher Ertzberger, who died on or about the 10th day of July, 1856, at the city of New York and the mother of William Ertzberger, who en-

tered the military service of the United States, and died in such service. That they well knew said William Ertzberger in his lifetime, that he left no wife or child surviving him, and that he contributed to the support of his said mother out of his earnings. That he was employed in the store of deponent, James Edwards, at the weekly wages of seven dollars, before entering the military service aforesaid, and that said William has repeatedly told * said deponent that he gave all of his said wages to his mother, and that Jane Ertzberger has repeatedly told said deponent, while the said William was in his employment, that he, the said William, always gave her his wages. That said William, after he entered the military service aforesaid, repeatedly sent his said mother portions of his pay.† That these deponents derive their knowledge of these facts from the acquaintance with the applicant and her family before mentioned, and also that deponent Philip Reynolds owns the dwelling where she has rooms, and that said William, her son, often paid the rent of said rooms. That deponents do reside as aforesaid, and have no interest in this claim.

JAMES EDWARDS.

PHILIP REYNOLDS.

Subscribed and sworn to before me, this 18th day of November, 1862, and I certify that I have no interest in the prosecution of said claim.

[L. s.] J. BRAINERD TAYLOR, Notary Public.

After the mother, the sisters of deceased, under sixteen

* The declarations of deceased that he gave a part of his wages to his mother will be good evidence; and her declarations to the same effect in her son's lifetime would appear to be unobjectionable.

† Where any portion of the pay of the son has been allotted to the mother in his lifetime, evidence of such allotment should be given, and will, in general, be conclusive. Generally any specific acts of the son in the support of his mother may be proven, such as paying her rent, her grocer's bill, giving her money regularly from time to time, purchasing flour, coal, and other necessaries for her. The witnesses should, however, swear to these facts as within their knowledge, and show how they know them.

years of age, depending on him for support, are entitled to a pension. In order to procure it, a guardian must be appointed, who will make the declaration in the form already prescribed for a guardian of minor children of deceased, modified, of course, to suit the case.

This form of claim will be found of rare occurrence; the following form I believe covers all the ground.

FORM No. 31.

Form of Declaration of Guardian of Minor Sister.

State of New York, }
 County of Saratoga, } ss.

On the 19th day of July, A. D. 1863, before me, James W. Horton, clerk of the county of Saratoga, and of the Supreme Court thereof, personally appeared Edward Simmons, a resident of the village of Ballston in said county, who, being by me duly sworn according to law, declares: That on the 18th day of July, 1863, he was duly appointed by the Hon. C. A. Waldron, Surrogate of the county of Saratoga, in the State of New York, guardian of the person and estate of Emeline Jackson, who was born on the 10th day of June, 1856, that his said ward is the daughter of John Jackson and Mary his wife, late of the village of Ballston, in said county, deceased.* That her father died on the 2d day of June, 1858, and her mother died on the 1st day of March, 1860. That the said Emeline Jackson is the only † sister of Edward Jackson, under sixteen years of age. That Edward Jackson was in the military service of the United States as a captain ‡ of Company K in the 169th

* The death of the father is not material in the declaration, but might as well be stated; the death of the mother must be shown before the daughter has any claim.

† Where there is more than one sister, they take jointly, and the names of all must appear.

‡ Officers brevetted for valor or other cause are entitled to pensions according to their lineal and not according to their brevet rank, and line officers on staff

regiment of New York volunteers in the war of 1861 who was killed in the battle on the 3d of July, 1863, at Gettysburg, while in said service and in the line of his duty.

That said Edward Jackson leaves no wife or child, surviving him, and that his mother died as aforesaid.*

That the said Emeline Jackson was wholly or in part dependent on the said Captain Edward Jackson for support.†

That declarant has not been engaged in, or aided or abetted, in any way, the rebellion in the United States.

That he makes this declaration in order to obtain the benefit of the provision made by the act of Congress approved July 14th, 1862, granting pensions, and that he hereby appoints Robert Sewell, of New York, his attorney, with full power of substitution, to procure for him, as guardian of the aforesaid Emeline Jackson, such pension as she may be entitled to, and to receive such certificate as may be issued for the same. He further declares that his said ward is not in receipt of any pension under said act, and he refers to the accompanying evidence and that filed in the proper department to establish her claim for a pension.

EDWARD SIMMONS, Guardian.

Post-office address,

Ballston, N. Y.

Also appeared David Roach and Edward Wells, residents of Ballston, in the county of Saratoga aforesaid, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn, say that they were present and saw Edward Simmons sign his name to the foregoing declaration, and that they know the said Edward Simmons

duty are entitled to pensions only according to their lineal rank. See 6 Opin. of Attorney-General, 88; Opin. of Sec. of Interior, case of Major Reynolds.

Service in a military grade which is usually held under a commission, entitles to the pensions of that grade, even though the officer in fact never received a commission. This rule applies of course to the widow, and other relatives of the officer, as well as to his own right to a pension. Opin. of Sec. of War, Jan. 15, 1833.

* This is a material allegation, the widow or children being first entitled.

† Dependence, in whole or in part, must be alleged and proven; see notes to forms 21 and 23, *ante*.

to be the identical person who was on the 18th day of July, 1863, by the Surrogate of the county of Saratoga, in the State of New York, appointed guardian of the person and estate of Emeline Jackson, a minor. That they do reside as aforesaid, and have no interest in this claim.

DAVID ROACH.

EDWARD WELLS.

Subscribed, sworn to, and acknowledged before me, on the 19th day of July, 1863, and I certify that I am not interested, directly or indirectly, in the prosecution of said claim.

JAMES W. HORTON,

Clerk of Saratoga County.

[Seal of Court.]

The proof required to support this claim is, 1st. Appointment as guardian; 2d. Relationship to deceased; 3d. Age of minor; 4th, That deceased left no wife, child, or mother; 5th. That the minor was dependent in whole or in part on deceased for support.

The order of the court duly certified will prove the appointment of the guardian, and it may be convenient to cause to be inserted in said order, upon proof furnished, the date of the child's birth.

The other facts necessary to be proven can usually be testified to by one set of witnesses, and the form given is drawn on that supposition; but where such is not the case, the form can be modified for the several affidavits.

FORM No. 32.

Proof of Relationship and Age of Minor Sister, and that she was dependent on Deceased in whole or part for Support, and that Deceased left no Wife, Child, or Mother.

State of New York, }
 County of Saratoga, } ss.

On the 19th day of July, A. D. 1863, personally appeared before me Edward Jackson, of Ballston, in said county, a

counsellor at law, and Jonas Barton, of Bemis Heights, in said county, a farmer, persons whom I certify to be respectable and entitled to credit, who, being by me duly sworn according to law, depose and say :

That they well knew the late Captain Edward Jackson, of the 169th regiment New York volunteers, and have known him from his childhood, that he always resided in Ballston, in said county, and leaves no wife or child surviving him. That his father and mother are dead. The father died on the 2d day of June, 1858, and his mother on the 1st day of March, 1860. That Emeline Jackson is his only surviving sister under the age of sixteen years. That she was wholly or in part dependent on her said brother for support. That her said brother did support her, by sending her money from time to time, and by paying her board.*

That deponents' means of knowledge of all these facts are derived as follows : that they have been intimate with the family for over twenty-five years, the deponent Edward Jackson is a first cousin of deceased Captain Edward Jackson, and deponent Jonas Barton is a relative of the said captain on his mother's side. That deponents were present at the funerals of the father and mother of said captain. That since he entered the army the said captain has paid deponent Jonas Barton for the board of his said infant sister, and has sent money on several occasions for her use to the deponent Jackson. They further swear that they do reside as aforesaid, and have no interest in this claim.

EDWARD JACKSON.

JONAS BARTON.

Sworn to and subscribed before me, this 19th day of July, 1863 ; and I certify that I have no interest in the prosecution of this claim, direct or indirect.

EDWARD ST. PIERRE, Justice of the Peace.

* It would appear that a mere claim by the ties of nature will not sustain an application ; the deceased, in his lifetime, must have acknowledged the claim.

FORM No. 33.

Application of Mother of deceased Soldier, for a Pension during Life of her Husband.

State of New Jersey, }
 County of Hudson, } ss.

On this 10th day of November, A. D. one thousand eight hundred and sixty-three, personally appeared before me, Robert Gilchrist, clerk of said county and of the Court of Common Pleas thereof, a court of record, Ruth Roe, a resident of Circleville, in the county of Hudson and State of New Jersey, aged 50 years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefits of the provision made by act of Congress approved July 14th, 1862. That she is the wife of John Roe, and mother of James Roe,* who was a private in Company C, commanded by Captain Low,

* The language of the act of July 14th, 1862, in relation to mothers' pensions, is as follows: "Sec. 3. That where any officer or other person named in the first section of this act shall have died subsequently to the fourth day of March, 1861, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of his duty, and has not left or shall not leave a widow or legitimate child, but has left or shall leave a mother who was dependent upon him for support in whole or in part, the mother shall be entitled to receive the same pension as such officer or other person would have been entitled to had he been totally disabled." There is nothing in this language which necessarily implies that a mother must be a widow in order to entitle her to a pension, although that is the generally received opinion, countenanced by the circular of the Commissioner of Pensions, which says the mother being a widow is entitled. The language of the act is singularly free from ambiguity, and there can be no doubt about its proper construction. It grants the pension to such mothers as were dependent on their deceased sons, being soldiers, in whole or in part, totally irrespective of the existence of a husband, but providing in the same section, that if she marries again, after the death of the son, the pension shall cease. The law would be a harsh one did it exclude from its benefits the mother of a gallant soldier who had supported her, because she had a husband living, as he might be an inmate of a State's prison or a lunatic asylum, or who might have deserted her and abandoned her support. Of course, if the husband be dead, it makes the case the stronger, as it is easier in such cases to show the dependence on the son for support.

in the 21st regiment of New Jersey volunteers, in the war of 1861, who was killed in action at Fredericksburg, Va., on the 4th day of May, 1863, while in said service, and in the line of his duty as a soldier. She further declares that her said son, upon whom she was wholly or in part dependent for support, having left no widow or minor child under sixteen years of age surviving him, declarant makes this application for a pension under the above-mentioned act, and refers to the evidence filed herewith, and that in the proper department, to establish her claim.

She also declares that she has not in any way been engaged in, or aided or abetted, the rebellion in the United States; that she is not in the receipt of a pension * under the second section of the act before mentioned, or under any other act, nor has she again married since the death of her son, the said James Roe; † and she hereby appoints Robert Sewell, of the city of New York, her attorney, with full power of substitution, to prosecute this her claim for a pension, and to receive such certificate as may be issued for the same. ‡

RUTH ROE.

Post-office address, Circleville, N. J.

Also personally appeared Thomas Roe and Cornelius Doe, residents of Circleville, in the State of New Jersey, persons

* A person is entitled to but one pension at one time. The third section of the act provides that should the claimant be in receipt of a pension as the widow of an officer or soldier, no pension shall be granted for the services of her son, "unless she gives up the other pension." From this it would appear that the widow of a soldier, who has a son an officer, may, on the death of the latter, surrender her widow's pension and take the higher one to which she is entitled for the services of her son.

† It is necessary to make this allegation, although in this case it seems superfluous, but see Instructions of Commissioner of Pensions herein. The pension to a widow or to the mother of a soldier ceases when they remarry. Where the widow has children under sixteen years of age, the children succeed to the pension until they attain sixteen. The children, as they respectively attain the age of sixteen, lose the pension, and when the youngest child reaches that age it ceases altogether.

‡ See notes to forms 21 and 23.

whom I certify to be respectable, and entitled to credit, and who, being by me duly sworn, say that they were present, and saw Ruth Roe sign her name to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be.

THOMAS ROE.

CORNELIUS DOE.

Sworn to, subscribed, and acknowledged before me, this 10th day of November, A. D. 1863; and I hereby certify that I have no interest, direct or indirect, in the prosecution of said claim.

[Seal of Court.]

R. GILCHRIST,
Clerk of Hudson County.

This declaration must be supported by proof of relationship to deceased, that he left no wife or child, and that he contributed to the support of his mother. The case is one that requires strong proof, especially on the point of the inability of the husband to provide support for the wife; the case from which the forms are taken has only recently been filed, and has not been acted upon. The following affidavit will, it is thought, be found to contain all the necessary proof.

FORM No. 34.

Proof to substantiate the Averments contained in preceding Declaration, to enable a Mother whose Husband is living to obtain a Pension for Services of a Deceased Son.

State of New Jersey, }
County of Hudson, } ss.

On the 10th day of November, A. D. 1863, before me personally appeared Thomas Doe, residing at Bergen, in the county of Hudson and State of New Jersey, and Cornelius

Roe, residing at Communipaw in said county and State, persons whom I certify to be respectable and entitled to full faith and credit, who, being by me first duly sworn according to law, depose and say : That they well know Ruth Roe of Circleville, in said county, who now applies for a pension. That she is the mother of James Roe, who was a private in Captain Low's company of the 21st regiment New Jersey volunteers, in the war of 1861. That they well knew the said James Roe in his lifetime ; that he leaves no wife or child surviving him, having never been married.*

That they also well know John Roe, the father of said deceased James Roe and the husband of said Ruth ; that he is a habitual drunkard, totally incapable of earning a living for his family. That he works at no regular calling, but idles away his time, and is habitually under the influence of alcoholic stimulants to an extent which renders him unfit for labor. That he, the said John Roe, does not provide for the support of the said Ruth, his wife, and does not furnish her with even the bare necessities of life. That James Roe, in his lifetime, was the chief support of his said mother, the aforesaid Ruth. That before he enlisted in the service of the United States he was by trade an oysterman, and out of his earnings in said calling, he, wholly, or in great part, supported his mother. That he regularly gave her money, and purchased, and furnished to her, necessary

* Where such is the fact, it is as well to state in addition to the words, "left no wife or child surviving him," the words "having never been married." Where the son was married and leaves a child over sixteen, the proper words to insert are, "left no wife or child under sixteen years of age surviving him." It is not necessary to prove or assert the marriage of the mother to entitle her to a pension. The act makes a distinction between the children of a soldier and the mother of such soldier. The children must be legitimate, and in their case it is of course necessary to prove the parents' marriage. In the case of the mother, however, the law does not require that the son for whose services she claims should be legitimate, and the Attorney-General has recently given this construction to the act. The pension laws being beneficial and humane in their nature, ought not to be strictly construed ; but, being framed in a spirit of benevolence and charity, should be construed in a similar spirit.

articles of food for her household. That after he entered the service aforesaid he regularly sent her a part of his pay, when he received the same. That the witnesses derive their knowledge of these facts as follows: that they have resided very near the parties for ten years, and during that time have had an intimate knowledge and acquaintance with them and their affairs, and that they have known in this way of the aid given to his mother by the said James. That the drunkenness and incompetence of John Roe are matters of public notoriety in Circleville; that they have repeatedly seen him drunk and idling away his time. They further say that they do reside as aforesaid, and have no interest in this claim.*

THOMAS DOE.

CORNELIUS ROE.

Also at the same time and place, personally appeared before me James W. Low, a resident of Bergen, in said county and State, a person whom I certify to be respectable and entitled to full faith and credit, who, being by me first duly sworn according to law, says: that he was the captain of Company C in the 21st regiment of New Jersey volunteers, that said regiment was mustered out of service on the 19th

* The proof will of course vary in each case according to the particular circumstances, and it is quite possible to omit some important point. The chief end in view is to prove the fact of the claimant's dependence, in whole or in part, on the deceased for support. The mere statement that such is the fact will not be received. The witnesses must swear to specific acts of support by the son in his lifetime, and every circumstance of this kind known to the witnesses may be stated with propriety. The evidence of an employer of the son, before he enlisted, that the son was in the habit of giving his mother part of his wages, is good. Also the evidence of the mother's landlord that the son paid her rent, or any other evidence of specific acts of support, can be stated. Where the husband is alive, the Commissioner of Pensions considers it *prima facie* evidence against the claim, which must be removed by evidence of competent witnesses to the circumstances which make the husband unable to support his wife. If he be so sick or disabled as to be unable to work, this is easily proved; but difficulties gather around the case in proportion as the cause of the husband's disability be within his control.

day of June, 1863. That he well knew James Roe, who was a private in his said company. That said James Roe was killed in action on the 4th day of May, 1863, at the battle of Fredericksburg, while in the service of the United States and in the line of his duty. That deponent was present at said battle, and knows the fact. That deceased,* the said James Roe, while in his company, was always in the habit of sending to his mother Ruth Roe a portion of his pay as a soldier, and regularly continued said practice from the time he entered the service until his death. That deponent's knowledge of these facts is derived from his official position as deceased's captain, and from the fact that said

* The following are the rules laid down by the Commissioner of Pensions in these cases: "1. In no case will the dependence of the mother upon her son for support, whether wholly or in part, be taken for granted on the mere affidavit of the claimant. The allegation must be sustained by positive proof that she has actually received her support during a stated period, either wholly or in part, from the deceased soldier on account of whose military services she presents her claim. This can be proved by the affidavits of two credible witnesses, who are not interested in the result of the application; by the production of evidence that a portion of the soldier's pay (by allotment ticket or otherwise) was regularly transmitted to the mother; by proof that he constantly paid, or contributed toward paying, her board, house rent, or other specific and necessary expenses, or by such other equivalent testimony as will clearly establish the fact in question. It is not sufficient to prove that the mother received occasional presents from the deceased.

"2. If the mother has a husband living, that fact is regarded as *prima facie* evidence that she was not, in any degree, dependent upon her son for support. In such case, before she can be admitted on the pension roll, it must be clearly proved that her husband has refused or neglected to provide for her support (stating for how long a time), on account of physical disability to labor, having no other source of income; or else that, having deserted her, he is beyond the reach of legal compulsion to contribute to her maintenance. The proof required in this case is that of two credible and disinterested witnesses, who must state their means of knowing the facts to which they make affidavit.

"It is my opinion that if the mother of a deceased soldier has a husband living, who is not proved to be either unable to support her, or in such a situation that she cannot enforce her legal claim upon him for subsistence, she is not entitled to receive a pension by reason of the service and death of her son."

James has given deponent money to forward to his said mother.*

JAMES W. LOW.

Sworn to and subscribed before me, by the said Thomas Doe, Cornelius Roe, and James W. Low, on this 10th day of November, 1863; and I certify that I have no interest in said pension claim, direct or indirect.

GEORGE E. CUTTER,
Justice of the Peace.

When the papers composing a claim are all prepared, care should be taken to ascertain that there are no blanks left unfilled, no errors of date, or omissions of signatures, either of applicant or witnesses; and that the county clerk's certificate is attached to all the depositions attested before a justice of the peace, notary public, or other officer. Where there are several papers sworn to before the same officer, one certificate will answer for all, provided it be in the plural, and attached to all the papers by ribbon and seal.

In transmitting a pension claim to the Commissioner of Pensions, and, indeed, in all official correspondence, there is no need of writing a long letter. Brevity is the soul of business as well as of wit, and the fewer words the better. Letters to the Departments should always be written on letter paper, and folded to a third the length of the page, and in its full width. This leaves it about the same size as all law papers are folded in for filing.

The declaration, and all the evidence submitted in support of it, should be folded together in the ordinary form of law papers, and a legible indorsement of the claimant's

* The evidence of an officer that the son sent home money regularly to his mother, and through him, if such be the fact, is the best evidence of the fact of support in whole or in part. Where a portion of the soldier's pay has been *allotted* to his mother under the regulations regarding allotments, proof of this fact should be furnished, and will be conclusive. Where an officer has left the service his evidence, must be taken in the same manner as that of any other citizen; while in the service he is not required to swear, his simple certificate of the fact being all that is necessary.

name, the nature of the pension claimed, and the attorney's name written thereon.

Since the 1st July, 1863, letters to the various departments of the Government must be prepaid. Packages will, therefore, have to be carefully weighed, and the proper amount in postage stamps placed upon them.

On acknowledging the receipt of a claim, the Commissioner communicates the number which it bears in his office, which number ought to be carefully recorded. All further communications with the Pension Office respecting it should refer to the claim by this number, and when additional evidence is forwarded, the words "additional evidence" ought to be written outside the envelope, together with the number of the claim.*

Additional evidence is called for where the proof offered in the first instance is not considered sufficient, or has omitted certain facts. Sometimes the death of the soldier does not officially appear on the rolls in the office of the adjutant-general, in which case the fact must be proven by affidavit of the surgeon of the hospital in which he died, if a civilian. If he is an army surgeon, his certificate of the death will be sufficient. The certificate ought also to contain the cause of death.

When the cause of death was other than in action, a certificate will be required, if possible from the captain, or some other commissioned officer having personal knowledge of the facts, setting forth the time when, place where, and circumstances under which the disease was contracted, and that it was so contracted while in the service of the United States, and in the line of his duty.† If the officer certifying these facts shall have left the service, they must be sworn

* See Instructions of Commissioner.

† When a prisoner of war voluntarily goes into civil employment in the enemy's country, and remains there till the war is over, he is to be regarded as a deserter, and, consequently, is precluded from the benefit of the pension laws. Opin. Sec. of War, August 31, 1840.

to, as in the case of an ordinary witness. It will be well to obtain this certificate in the first place, where the death was caused by disease, and file it with the original application, as it will certainly be called for.

In all other cases where additional proof of specific facts is called for, the same must be furnished by procuring the affidavits of two witnesses having knowledge of the facts. They must state their means of knowledge, and that they have no interest in the claim. The officer before whom the affidavit is taken must certify that the witnesses are respectable and entitled to credit, and that he has no interest in the claim.

No revenue stamps of any kind are necessary on any papers prepared for the purpose of obtaining arrears of pay, bounty, or pensions. (See act of Congress approved March 3d, 1863.)

CHAPTER VIII.

NAVY CLAIMS.

ARREARS OF PAY.

ARREARS of pay due to deceased officers, sailors, marines, and others employed in the navy of the United States, will be audited, settled, and paid by the Fourth Auditor of the Treasury Department.

Instructions as to the manner of obtaining a settlement are contained in the circular of Hobart Berrian, Esq., the late efficient Fourth Auditor, which will be found on page 134.

The form of procedure differs in one respect from that which prevails in the Second Auditor's office, viz., the Fourth Auditor requires letters of administration to be taken out, in all cases where the amount due exceeds the sum of one hundred dollars.

Where the amount is under one hundred dollars, it can be obtained by the person entitled thereto, by making use of the forms prescribed heretofore for applications for army pay and bounty.

The proper course to pursue, is to write to the Fourth Auditor, to know the amount due, which information will

be promptly given. Upon ascertaining the amount, if it be over one hundred dollars, letters of administration must be obtained by the person entitled to receive the same, and application made as in the case of army pay and bounty. The forms prescribed for such applications can be easily modified to suit these cases.

Letters of administration must be granted to heirs or to some person with the consent of heirs. Heirship or consent should be inserted in the letters of administration, but proof should also be furnished, with the application, as in army cases.

When a vessel is lost at sea, the papers from which the accounts of those on board of her are made up, are usually lost with her. In such cases the claim cannot be settled until an act of Congress is passed fixing a date from which the accounts of the men are made up. It is usual in such cases for Congress to add to the pay a gratuity to the representatives of the lost men, which is usually made to be equal to one year's pay.*

With the modifications above mentioned, all that has been written concerning army claims, may be applied to claims for pay, &c., arising out of the naval service.

NAVAL PENSIONS.

As will be seen, the act of Congress of July 14th, 1862, provides for pensions to officers and men of the navy, and their relatives, in the same manner as for the army. The Pension Office, which is a bureau of the Department of the Interior, has charge of both; and the rules which govern naval pensions are identical with those in army cases.

The rates of pensions for full disability, to invalids of the navy, and, in case of death, to those relatives entitled to the same, are as follows :

* See cases of Levant, Cumberland, Congress, Monitor, and others, in several acts of Thirty-seventh Congress.

	Per Month
Captain, Commander, Surgeon, Paymaster, and Chief Engineers respectively ranking with commander by law, lieutenant commanding and master commanding	\$20 00
Lieutenant, Surgeon, Paymaster, and Chief Engineers respectively ranking with lieutenant by law, and passed assistant surgeon.....	25 00
Professor of Mathematics, Master, Assistant Surgeon, Assistant Paymaster, and Chaplain.....	20 00
First Assistant Engineers and Pilots.....	15 00
Passed Midshipmen, Midshipmen, Captain's and Paymaster's Clerk, second and third Assistant Engineer, Master's Mate, and all warrant officers	10 00
All petty officers, musicians, seamen, ordinary seamen, flotilla men, marines, clerks, and landsmen.....	8 00

In former acts of Congress granting naval pensions, distinctions were made between such claims and claims for army pensions. The act of 1862 levels all distinctions, and the principles which govern are now the same in both cases. The Secretary of the Interior, in his report to Congress, December, 1863, says:

"The act of 1862 does not, in direct terms, exclude from its benefits the widow or other designated relatives of persons who, after their resignation or discharge, shall die of wounds received or diseases contracted in the naval service, and in the line of duty, nor does it determine the amount of pension by the monthly pay of the deceased at the time of his death. The latter provision would seem to require that the connection of the deceased with the service should subsist until his death. By the uniform practice of the Pension Bureau, under the existing act, a military pension was granted to the relatives of the party, without regard to the time of his death, if the claim, in other respects, was free from objection. Uniformity in the administration of the act is desirable, and a settled interpretation of it should be adhered to, unless it be manifestly wrong. Although, in the former legislation of Congress, military and naval pensions were granted under separate and independent enactments, both classes of pensions are provided for and

placed upon the same footing by the act under consideration. No distinction is made between the two branches of the service. I could not sanction a decision making such a distinction, and I was satisfied that the action of the Pension Bureau, in regard to military pensions, was amply justified by the spirit, and not in violation of the letter of the statute.

“The effects and consequences of the opposite construction are worthy of attention. According to it, no provision is made for the bereaved, and often necessitous and helpless, family of a deceased party, who has received a mortal wound or contracted a fatal disease in the line of duty, if his death occurred after the expiration of the period of his service. Had the wound or disease inflicted a disability, it is clear that, had he survived it, he would have been entitled to a pension proportioned to such disability. The pension would not commence in any event until after his discharge. Should the disabled and discharged soldier or seaman die after receiving his pension, or before establishing his claim to it, his relatives would be excluded from the bounty of Congress, although it could be shown by indisputable proofs that his death was the direct and inevitable result of a wound received on the field or the deck from the enemies of his country.

“It seemed to me to be more in accordance with the legislative intention to hold that the death of a party after his resignation or discharge would not be fatal to the claim of his widow or relatives to a pension. Should I have erred in this view, Congress can apply the appropriate corrective in regard to future cases.

“I would advise, however, that some limit should be fixed by law, within which the death should occur, to entitle the beneficiaries named in the second and the following sections of the act to the benefit of its provisions.” *

* See page 80.

PRIZE MONEY.

The mode of distribution of prize money has been altered by recent legislation. Formerly it was paid to persons entitled thereto, whether in the service or not, by the navy agent at Washington. Now prize money is credited to persons in the service, and paid to them by their regular paymaster, in the same manner as their wages. Persons who have left the service are paid by the Fourth Auditor of the Treasury, on application in the proper manner. Heirs of persons who have died without having collected their prize money, can obtain it from the same officer.

When a prize is taken, all vessels within signal distance at the time of the capture, are entitled to share in the distribution. The prize commissioners of the port where the captured vessel is sent for adjudication decide any questions that may arise as to what vessels are entitled to share. It is highly expedient for the officers of vessels claiming to share in any capture, to engage counsel to attend the hearing before the commissioners, and see that the claims of their vessel receive due consideration.*

The admiral or commanding officer of a fleet or squadron is entitled to one-twentieth of all captures made by ves-

* See act of Congress, July 17th, 1862. There is now no counsel for captors, and it is very necessary that they should be represented in the prize court by counsel. The commanding officer of a vessel taking a prize, should send by the prize master a letter of retainer, authorizing counsel to appear. The letter may be as follows:

U. S. SHIP *MACEDON*, *June 18th*, 1863.

We, the undersigned, do hereby appoint J. C. F. Smidt, Esq., of New York, our attorney, to take charge of and attend to our interests in the matter of the capture of the "Empress," and to appear for us in all matters of litigation thereto, and we consent to his receiving the same costs or fee therefor, to which any counsel appointed by the Court or the Secretary of the Navy would be legally entitled, if such counsel had appeared instead of the said J. C. F. Smidt.

To be signed by all the officers and
crew, or so many of them as wish their
interests to be represented by counsel. }

sels under his command. The captain * or other commanding officer of the vessel capturing takes two twentieths, and the balance is distributed among the officers and crew, in proportion to their rate of pay. †

It is important that officers in command of vessels should, immediately on making a capture, transmit to the Fourth Auditor a complete list of the officers and crew entitled to share in the prize money. ‡

Before the act of Congress of March 3d, 1863, no person was entitled to prize money, except those on board at the time of the capture; the act referred to, gives it to all men borne on the ship's books at the date of capture, although temporarily absent on duty or otherwise. Thus a prize crew put on board a captured vessel to take her into port lose nothing by their absence from their ship, as they share in all prizes taken while their names are on her books. §

Bounty is paid to the officers and men on board a vessel belonging to the United States, for the destruction of vessels of the enemy, according to the number of persons on board of such enemy at the commencement of the engagement.

* When a prize is taken by a single ship, not under the immediate command of an admiral, or attached to a fleet or squadron, the commanding officer receives as his share three twentieths. Act of Congress, July 17th, 1862.

† The commander of a squadron, to whose command a ship of war is attached, and under whose orders she sails, is entitled to the flag twentieth of all prizes made by such ship, although the other part of the squadron may never have sailed on the cruise. *Decatur vs. Chew*, 1 Gall. 506.

‡ Property in a captured vessel does not vest in the captors till she has been condemned as good prize. *Decatur vs. United States*. Dev. C. C. 201.

§ When the vessel captured is of equal or superior force to the vessel which captures it, the proceeds of the ship and cargo shall be the sole property of the captors. Where the vessel is of inferior force the proceeds shall be divided equally between the United States and the captors. Act of Congress, July 17th, 1862. It is the duty of the prize commissioners to decide and report whether the prize was of equal, superior, or inferior force to the captor. Where there is a question of this kind the officers should employ counsel to advocate their rights. The counsel will be entitled to fees out of the prize, as the case is one in which the captors have interests conflicting with those of the United States. See act of March 3d, 1863.

If the enemy's vessel was of inferior force, one hundred dollars for each person on board of her. If of equal or superior force, two hundred dollars. In case it is impossible to ascertain the number of men on board the enemy's vessel, then they shall be taken to be the same number allowed to vessels of their class in the United States navy. Where a vessel of war captured is destroyed immediately for the public interest, but not in consequence of damage received in action, fifty dollars for every person on board at time of capture shall be paid as bounty. This bounty is to be distributed in the same manner as prize money. (Act of Congress, July 17th, 1862.) Any armed vessel in the service of the United States making or assisting in a capture is entitled to an award of prize money, the same as if said vessel belonged to the navy. (Act of Congress, July 17th, 1862.)

Any person in the service of the United States entitled to wages or prize money may have the same paid to an assignee, provided the assignment be attested by the captain and paymaster. The commanders of vessels are, however, required to refuse to certify to any assignment until they are satisfied it is not given in consideration of money advanced on such pay or prize money. This is authorized by the act above quoted, and appears to be still the law, although the Fourth Auditor does not allude to it in his circular. The share of the United States in prizes is to be reserved as a fund for the payment of navy pensions.*

Where a vessel of the navy is captured by the enemy, and it shall appear by sentence of court martial or otherwise that the officers and men did their utmost to defend their vessel, and after the taking thereof behaved themselves obediently to their superior officers, agreeably to the discipline of the navy, the pay and emoluments of such officers and

* Claims for prize money and for extra pay are capable of alienation. In this they are unlike salary for continuing service. See *Alexander vs. Duke of Wellington*, 2 Russell & Mylne, 35; *Comegys vs. Vasse*, 7 Peters, 196; *Milnor vs. Metz*, 16 Id., 221; *Couch vs. Delaplaine*, 2 Comstock, 397. See page 41.

men shall continue and be paid them until their death, exchange, or discharge. (Act of July 17th, 1862.)

Appeals in prize cases formerly lay from the District Court in Admiralty to the Circuit Court, and thence to the Supreme Court of the United States; they are now, however, to be taken from the District Court to the Supreme Court direct. The appeal must be taken within thirty days after the decree, and lies in all cases where the amount in dispute is over two thousand dollars, and in other cases on the certificate of the district judge that the adjudication involves a question of difficulty and general importance. (See act of Congress March 3d, 1863.)

The Fourth Auditor classifies the persons who are claimants, and who are entitled to prize money, thus: 1st, those in the service of the United States; 2d, those who have been discharged from the service; 3d, the heirs of deceased persons entitled to prize money.

As the first class are now paid on board their ships by their paymasters, a consideration of their cases does not come within the scope of this work.

The second class of persons must furnish proof of identity and surrender their discharge, or satisfactorily account for its loss.

FORM No. 35.

Form of Oath of Identity in Prize Cases.

I, Edward Barnes, do solemnly swear that I am the identical Edward Barnes who served by that name as a seaman on board the United States ship "Bienville," in the year 1862, when she captured the prize "Patras," and who is named in the certificate of discharge dated June 16th, 1863, signed by Captain Richard Meade, which is * here-

* If the certificate of discharge is lost, its loss must be accounted for satisfactorily, and the claimant must be identified by an officer; witnesses will not satisfy when the discharge has been lost. See Circular of Auditor, page 134.

with presented and surrendered. I also solemnly swear that I am now 27 years of age ; am a native of Maine ; that I enlisted at New York on or about the 10th day of June, 1861, in the grade of seaman ; that my ship's number was 47. I also solemnly swear that I have not made any previous assignment of, or application for, the prize money now claimed by me, and further, that I now reside in New York, and am employed as a rigger.*

JOHN JONES,

EDWARD BARNES.

EDWARD SABELL.

Sworn to and subscribed before me, this 10th day of October, 1863. And I certify that, to my knowledge, the statement of deponent in regard to his residence and employment is true, my knowledge † of deponent being derived from credible information, given on oath by the witness, John Jones. And I also certify that the above-named deponent appears to be about the age stated by him ; that he is about five feet eight inches in height, of dark complexion, black hair, and black eyes.

[L. S.]

GEORGE P. O'DONNELL,

Notary Public.

I certify that the signature to the foregoing oath of identity is witnessed by me ; that it was signed in my presence by Edward Barnes, who is well known to me as the identical person who served by that name on board the United States ship "Bienville," when she captured the "Patras."

EDWARD SABELL, ‡

Lieutenant United States Navy.

This certificate may be given by any commissioned or

* Residence and employment must be stated ; and if claimant is not in employment, that fact should be stated.

† The magistrate must state in what manner he acquired the knowledge of the claimant, and also the personal characteristics of claimant. See Circular of Auditor, page 136.

‡ The certificate of identity of a commissioned or warrant officer should be

warrant officer of the navy having a knowledge of the facts. If the claimant cannot obtain the certificate of an officer, he will so state in his oath, and give the reason why such certificate cannot be obtained. In case he surrenders his discharge, the oaths of two witnesses will be accepted as proof of his identity, as follows :

State of New York, }
 City and County of New York, } ss.

On this 10th day of October, 1863, before me, a notary public in and for the State and county aforesaid, duly qualified to administer oaths, personally appeared John Doe, residing at No. 26 Cherry street, in the city of New York, and employed as a keeper of a sailors' boarding house ; and also Richard Roe, residing at said No. 27 Cherry street, in the city of New York, not at present in any employment,* who are known to me as credible witnesses, residing and employed as stated, and who, being duly sworn, depose and say : That they reside and are employed as aforesaid ; that they have a personal knowledge of Edward Barnes, who signed the annexed oath of identity in their presence ; that he is the identical Edward Barnes who served on board the United States ship " Bienville " as a seaman, from the 10th day of March, 1861, to about the 1st day of June, 1863, and who is named in the discharge dated June 16th, 1863, and signed by Captain Richard Meade, which he affixed in their presence, together with said oath of identity, hereto.

That the knowledge † of the said Edward Barnes was

obtained if possible ; when not possible, the same should be stated in the oath, and the reason given, as that there is no officer who served with claimant now in the place where claimant is. See Circular of Auditor.

* It is necessary to state the residence and employment of the witnesses.

† It is of great importance that the means of knowledge of witnesses should be explicitly stated, and in all cases where the knowledge of the claimant was acquired by serving with him in the navy, the witness should state what ship he served with him in, and what his, the witness's, ship's number on such vessel was. See Circular of Auditor, page 137.

obtained by deponent John Doe from said Barnes boarding at his house from time to time during the last five years. That said knowledge was obtained by Richard Roe by serving with said Barnes on board said ship "Bienville." That said Roe was rated as an ordinary seaman on board said ship, and was known as Richard Roe 2d, and that his ship's number was 16. And they further depose and say that they have no interest* in the claim of said Edward Barnes for prize money.

JOHN DOE.

RICHARD ROE.

Sworn to and subscribed before me, on the said 10th day of October, 1863.

[L. s.]

GEORGE P. O'DONNELL,

Notary Public.

Powers of attorney given for the collection of prize money † must state the amount, and must of necessity be executed after the money is ready for distribution. A mere general power of attorney to collect all prize money that may be due will not be recognized by the Fourth Auditor.

The acts of Congress of July 29th, 1846, and February 26th, 1853, make void any assignment or transfer of any claim on the United States, unless the same shall be made, and attested by two witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant in payment thereof.

FORM No. 36.

Form of Power of Attorney to collect Prize Money.

Know all men by these presents that I, John Doe, of the city of New York, late a seaman on board the United

* The allegation of no interest on the part of the witnesses is necessary and should not be omitted. See Instructions of Fourth Auditor.

† The Government is averse to paying claimants through attorneys. They will recognize them, however, when the power is drawn in exact conformance with the act of Congress of July 29th, 1846.

States vessel "Bienville," being entitled to five hundred and sixty dollars prize money for the capture of the steamer "Patras," under and by virtue of the act of Congress approved July 17th, 1862, have constituted, made, and appointed, and by these presents do make, constitute, and appoint, Robert Sewell, of the city of New York, counsellor at law, my attorney, irrevocable, for me and in my name, place and stead, to ask, demand, and receive from the Fourth Auditor of the Treasury the aforesaid sum of five hundred and sixty dollars, to which I am entitled as aforesaid, and a full receipt and acquittance to execute therefor, with full powers of substitution and revocation. And I do hereby ratify all that my said attorney or his substitute lawfully appointed may do in and about the premises as fully, to all intents and purposes, as I could if personally present.

In witness whereof I have hereunto set my hand and seal, on the 1st day of October, 1863.

[Revenue Stamp,
one dollar.]

JOHN DOE. [L. s.]

Witnesses,

J. BRAINERD TAYLOR.

RICHARD ROE.

State of New York, }
City and County of New York, } ss.

Be it remembered that on the 1st day of October, 1863, before me, a notary public, within and for the city and county of New York, duly commissioned and sworn, personally appeared John Doe, to me well known as the person described in and who executed the foregoing letter of attorney, and acknowledged to me that he had executed the same for the purposes there in set forth; and I further certify that at the time of said acknowledgment there was no blank space or interlineation in said letter of attorney.

In witness whereof I have hereunto set my hand and [L. s.] affixed my official notarial seal, on the day and year first above written.

GEORGE P. O'DONNELL, Notary Public.

When the person who is entitled to prize money dies without having collected the same, it is payable to his heirs in the same manner as arrears of pay, and to the same persons.

If the claim be for less than one hundred dollars, application will be made as if it were arrears of pay, and the forms heretofore prescribed for such cases may be used to collect prize money.

If the amount exceed one hundred dollars, letters of administration must be taken out by the person entitled to receive the money, or by a person with the consent of such heirs. The letters of administration ought to show on their face, that the administrator is the heir, or has been appointed by consent of the heirs, and also the amount of the penalty of the administrator's bond, which should not be less than twice the amount of the claim. Where claimants apply under authority of a will, satisfactory proof of the will must be produced. Probate should be shown in the first place, but the Auditor may call for further proof.

In administration cases, further proof of heirship than that contained in the letters of administration is required by the oaths of two credible witnesses. Too much care cannot be taken in these cases, and the fullest proof of death and heirship should be given, as the Fourth Auditor scrutinizes all such cases closely, the Government having heretofore been grossly swindled in the presentation of such claims by persons no way authorized to receive the money. In his oath of identity, the administrator is required to describe the person of the deceased as a further check on fraud.

The form following was used in an actual case, and may be followed to the letter.

FORM No. 37.

Form of Oath of Identity of Administrator.

I, John Doe, of the city of New York and State of New York, depose and say that I am the identical John Doe

named in the accompanying letters of administration on the estate of Richard Roe deceased, and that said letters are unrevoked and are now in full force and effect; that the said Richard Roe was, at the time of his death, a legal resident of New York city, in the State of New York; and that he was the identical person who served by that name on board the United States ship "Unadilla," when she captured the prize "Ladona" in the year 1862, who is named in the certificate of discharge herewith surrendered, and who died in said city of New York on the 1st day of June, 1863, after leaving the service of the United States, and to whose estate prize money is due under the provisions of the act of Congress of July 17th, 1862; and for which prize money I now apply, as his legal representative. And I further swear that the said Richard Roe was a native of New York; was 42 years of age; that he was about five feet nine inches high, of fair complexion, brown hair, and gray eyes; and that he entered the naval service at New York, on or about the 6th day of May, 1860. That all these facts here stated are known to me by personal knowledge. That the heirs of said Richard Roe are myself, who am his brother, and Mary Roe and Jane Roe, his sisters, all of whom reside in the city of New York.

JOHN DOE,
Executor.

State of New York, }
City and County of New York, } ss.

Personally appeared before me, a notary public in and for the county and State aforesaid, duly qualified to administer oaths, John Doe, who signed the foregoing deposition in my presence, and made oath to the truth of the same. And I certify that I know the said deponent to be the administrator named in the accompanying letters of administration.

In witness whereof I have hereunto set my hand and seal, this 10th day of October, A. D. 1863.

[L. S.]

GEORGE P. O'DONNELL, Notary Public.

Seals of a notary should always be impressed on the paper; a mere adhesive seal will not be recognized by the Fourth Auditor. The Auditor does not require a county clerk's certificate when papers are executed before a notary and his seal of office is attached.

The act of Congress dispensing with internal revenue stamps in all claims for pay and bounty, does not include prize claims; therefore all papers drawn in prize cases must have the proper stamp affixed to them, or they will not be received. Each certificate of a magistrate that any act was done, such as sworn to and acknowledged, must have a five-cent stamp, and each power of attorney a one-dollar stamp. The certificate of acknowledgment to a power of attorney need not have a stamp, the dollar stamp covering the whole instrument.

CIRCULAR OF FOURTH AUDITOR.

*Regulations for the Payment of Prize Money under the Act of Congress,
March 3d, 1863.*

There are three classes of persons who are claimants, and who are entitled to prize money, namely: 1st, persons who, at the time of presenting their claims, are in service, on board United States vessels of war; 2d, persons who have been discharged from the service; and 3d, representatives or heirs of officers, marines, and seamen deceased.

I. PERSONS IN THE SERVICE.

The law approved March 3d, 1863, relative to prize money, enacts that "the Treasury Department shall credit the Navy Department with the amount held for distribution, and the several officers, marines, sailors, and other persons in the naval service entitled to share in the prize money shall be credited in their accounts with the Navy Department with the amounts to which they are respectively entitled." To insure a prompt compliance with this law, it will

be indispensable that the commander of every vessel of war having officers or men on board entitled to, or claiming an award of prize money, transmit to the Fourth Auditor of the Treasury, as early as practicable, a complete list of the officers and men claiming and entitled to prize money, for the capture of any vessel by a United States vessel of war, or other, on which such officer, marine, or sailor may have served at the time of such capture. These lists will be quite distinct from those required for the classification and distribution of prize money. Here the object is to enable the paymaster to pay the claim promptly, while he, the paymaster, conjointly with the commanding officer, authenticates the identity of each claimant. The copy of a report of prize cases sent to Congress March 11th, 1863, and furnished to officers in command of United States ships, will indicate the name and number of prizes previous to that date; and the transfer rolls from other vessels, with the date of transfer, and the knowledge of each other by the persons transferred, will enable the commander and paymaster of each vessel to secure a safe identity. The identity being secured, a list of claimants will be forwarded to this office, preserving a space following each name for insertion of the amount due to each, as revised by the Second Comptroller; a space for signature or mark, and a space for signature of witness, as is usual in pay rolls; and upon the return of this list to the paymaster, with the amounts inserted, he will be authorized to make immediate payment to the persons interested, and to take up the same on his quarterly accounts under its proper head. The forwarding of such lists to the Fourth Auditor will be considered a good guarantee of identity, and the return of the lists will be good authority for the payment of the claims. Officers on leave or waiting orders will be guided by the same rule. They will report to the paymaster upon whose books they are registered, and will receive their prize money as if they were serving on shipboard.

II. PERSONS OUT OF THE SERVICE

Must furnish proof of identity before payment is made, in the following manner :

Form of Oath of Identity of a Petty Officer, Seaman, Ordinary Seaman, Landsman, Boy, or Marine, entitled to prize money.

I, _____, do solemnly swear that I am the identical _____ who served by that name as a _____ on board the United States ship _____, in the year _____, when she captured the prize _____, and who is named in the certificate of discharge dated _____, 186-, signed by _____, which is herewith presented and surrendered (*or if his discharge be lost, or otherwise disposed of, the facts and circumstances accounting for it must be sworn to, that he has made diligent search or application for it, and that it cannot be recovered or obtained*). I also solemnly swear that I am now _____ years of age; am a native of _____; that I enlisted at (*name the place, or fort, rendezvous, or vessel*), on or about the _____ day of _____, 18-, in the grade of _____; that my ship's number was _____. I also solemnly swear that I have not made any previous assignment of or application for the prize money now claimed by me (*or if he has, state when, where, and to whom*); and further, that I now reside at _____, and am employed as _____.

(Signed by claimant.)

_____, Witness.

_____, Witness.

Sworn to and subscribed before me, this _____ day of _____, A. D. 186-. And I certify that, to my knowledge, the statement of deponent in regard to his residence and employment is true, my knowledge of deponent being derived from (*state whether from personal acquaintance or otherwise*). And I also certify that the above-named deponent

appears to be about the age stated by him ; that he is about
 ——— feet ——— inches in height, of ——— complexion,
 ——— hair, and ——— eyes.

(To be signed by some public officer duly authorized to
 administer oaths.) ——— ———.

To establish Identity. ●

A certificate of identity, by a commissioned or warrant
 officer of the navy, will be required in all cases, in the fol-
 lowing form :

I certify that the signature to the foregoing oath of iden-
 tity is witnessed by me ; that it was signed in my presence
 by ———, who is well known to me as the identical person
 who served by that name on board the United States ship
 ———, when she captured the ———.

(Signed)

—————,
 United States Navy.

If the discharge, or a certified copy thereof, be furnished,
 and the certificate of some non-commissioned officer or war-
 rant officer cannot be obtained, the claimant will so state
 on oath, giving the reasons, and the affidavit of two cred-
 ible and disinterested witnesses will be required instead, as
 follows :

Form of Affidavit of two Witnesses.

State of ———, }
 County of ———, } ss.

On this ——— day of ———, 186—, before me, a ——— in
 and for the State and county aforesaid, duly qualified to ad-
 minister oaths, personally appeared ——— ———, residing
 at ———, and employed as ——— ; and also ———
 ———, residing at ———, and employed as ———, who
 are known to me as credible witnesses, residing and employ-
 ed as stated, and who, being duly sworn, depose and say :

That they reside and are employed as aforesaid; that they have a personal knowledge of _____, who signed the foregoing receipts (*or power of attorney, as the case may be*) in their presence; and that he is the identical _____ who served on board the United States ship _____ as a _____ from _____ to _____, and who is named in the discharge dated _____, and signed by _____, which he affixed in their presence to this original receipt; that their knowledge of him was obtained (*here state fully how obtained. If they served on the ship at the same time, they will give their rate, ship's number, and if more than one of the same name was on the ship, their numerical designation, as John Smith 1st*). And they further depose that they have no interest in the claim of the said _____ for prize money. _____.

Sworn to and subscribed the day and year above written, before me.

(To be signed by the authenticating officer.)

Official seals must be impressed upon the paper attested, and not merely pasted upon the instrument.

Applications for prize money will be made to the Fourth Auditor of the Treasury Department; and persons entitled to prize money, who are ignorant of the amount, may be furnished by the Fourth Auditor with a statement of the amount due to each, provided that each shall first file with said Auditor his oath of identity, and, if out of service, his discharge. But if he have not his discharge, he must account satisfactorily for its absence.

III. PERSONS DECEASED.

Payments of amounts due deceased officers, seamen, and marines, will be made to administrators who are heirs, or appointed with the consent of heirs.

Heirship may be established by the fact being inserted in

the letters of administration, and additionally proven by the affidavits of two disinterested persons, taken before an officer duly empowered to administer oaths.

When the amount due does not exceed the sum of one hundred dollars, letters of administration will be dispensed with, and the prescribed affidavit substituted. The widow, if she be the applicant, should render a certified copy of her marriage certificate.

If the heirs be minors, guardians should be appointed.

Payment of an amount claimed under a will, will be only made after satisfactory proof of the will is produced to the accounting officer. Wills of persons in actual service must be in writing, and attested by an officer of the navy. As letters of administration appear to be obtained with extreme facility, and as administrators are fraudulently applying as legal representatives of persons who are alive, great caution will be exercised in administration cases; and, if need be, additional proof of death, &c., will be required, though the letters of administration may be granted in due form.

The amount of penalty of the administrator's bond should be stated, and payment will not be made unless it is double the amount of the claim. The administrator, in his oath of identity, is required to describe the person of decedent he represents; that is, his age, height, complexion, color of eyes and hair; stating whether his knowledge was derived from personal acquaintance or from the information of others. In accordance with the letter and spirit of the laws of the United States, the accounting officers have determined that the sums of money found to be due shall be paid, in all cases, to the proper parties interested in preference to attorneys. (See page 141.)

Form of Oath of Identity by Executor, Administrator, &c.

I, _____, of _____, in the county of _____, State of _____, depose and say, that I am the identical

_____, named in the accompanying letters of administration (or letters testamentary, or copy of letters, &c., as the case may be) on the estate of _____, deceased, and that said letters are unrevoked, and are now in full force and effect; that the said _____ was, at the time of his death, a legal resident of _____, county of _____, State of _____; and that he was the identical person who served by that name on board the United States ship _____, when she captured the prize _____, in the year _____, who is named in the certificate of discharge herewith surrendered, and who died (*state where he died, and whether he was in the service of the United States or not at the time of his death*) on or about the _____ day of _____, 18—, and to whose estate prize money is due under the provisions of the act of Congress of July 17th, 1862; and for which prize money I now apply as his legal representative. And I further swear that the said _____ was a native of _____, was _____ years of age; that he was about _____ feet _____ inches in height; of _____ complexion, _____ hair, and _____ eyes; and that he entered the naval service at _____, on or about the _____ day of _____, 18—. (*State whether these facts were matters of personal knowledge to the deponent, or were derived from others. If the discharge be not produced, he must depose to having made due search for it among the effects of the decedent, and to any facts in reference to the disposition of it within his knowledge. State also the name and residence of each heir the deceased left at the time of his death.*)

_____,
Administrator or Executor.

State of _____, }
County of _____, } ss.

Personally appeared before me, a _____ in and for the State and county aforesaid, duly qualified to administer oaths, _____, who signed the foregoing deposition

in my presence and made oath to the truth of the same. And I certify that I know the said deponent to be the administrator named in the accompanying letters of administration.

Witness my hand, this — day of —, A. D. 186—.

Justice of the Peace, or other Magistrate.

If an executor or administrator desires to be paid through a third party, he will execute a power of attorney and acknowledgment of the same according to the forms heretofore prescribed, making the necessary changes.

WM. H. DANENHOWER,

May 8th, 1863.

Fourth Auditor ad int.

Approved :

JOHN H. HOUSTON, Acting Comptroller.

EXTRACTS FROM THE LAWS OF JULY 29TH, 1846, AND
FEBRUARY 26TH, 1858.

By the act of Congress approved July 29th, 1846, entitled "An act in relation to the payment of claims," it is provided, "that whenever a claim on the United States aforesaid shall hereafter have been allowed by a resolution or act of Congress, and thereby directed to be paid, the money shall not, nor shall any part thereof, be paid to any person or persons other than the claimant or claimants, his or their executor or executors, administrator or administrators, unless such person or persons shall produce to the proper disbursing officer a warrant of attorney, executed by such claimant or claimants, executor or executors, administrator or administrators, *after* the enactment of the resolution or act allowing the claim; and every such warrant of attorney shall refer to such resolution or act, and *expressly recite the amount allowed* thereby, and shall be attested by two competent witnesses, and be acknowledged by the person or persons executing it before an officer having authority to take the acknowledgment of deeds, who shall certify

such acknowledgment, and it shall appear by such certificate that such officer, at the time of the making of such acknowledgment, read and fully explained such warrant of attorney to the person or persons acknowledging the same."

And by the act approved February 26th, 1853, entitled "An act to prevent frauds upon the Treasury of the United States," it is further provided :

"SECTION 1. That all transfers and assignments hereafter made of any claim upon the United States, or any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void, unless the same shall be freely made and executed in the presence of at least two *attesting witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof.*"

"SECTION 7. That the provisions of this act, and of the act of July 29th, 1846, entitled 'An act in relation to the payment of claims,' shall apply and extend to all claims against the United States, whether allowed by *special acts of Congress, or arising under general laws or treaties, or in any other manner whatever.*"

RULES observed at the Office of the Fourth Auditor, in the settlement for Claims to Balances due to deceased Seamen or Marines at the time of their death.

Payment of balances due deceased seamen and marines will be made by administrators who are heirs, or appointed with the consent of heirs; that is, to the widow, child, or children, father, mother, brothers, or sisters, in their order, and lastly, to the heirs general.

Heirship may be established by the fact being inserted in the letters of administration, and additionally proven by the affidavits of two disinterested persons, taken before an officer duly empowered to administer oaths.

When the balance due does not exceed the sum of one hundred dollars, letters of administration will be dispensed with, and the prescribed affidavits substituted. The widow, if she be the applicant, should render a certified copy of her marriage certificate.

If the heirs be minors, guardians should be appointed. Payment of arrearages claimed under a will, will only be made after satisfactory proof of the will is adduced to the accounting officers.

Wills of persons in actual service must be in writing, and attested by an officer. The executor will be required to produce the original will, or a copy duly authenticated. No payment shall be made to a creditor until the balance due to the deceased person shall have remained in the Treasury, uncalled for by an administrator appointed as aforesaid, for six months after information of the death of such person shall have been received at the Department; and where the balance exceeds the sum of twenty dollars, no claim of a creditor will be paid until an advertisement shall have been inserted, for three successive days, in the newspaper employed to publish the laws in the city of Washington, and also in three successive numbers of a paper nearest where the deceased resided, calling upon other claimants to present their claims at the Office of the Fourth Auditor within four months; at the end of which term, if the balance shall not have been demanded by an administrator appointed as aforesaid, the claims which shall have been presented and proved before the accounting officers will be paid in equal proportion, the expense of the advertisement having been first defrayed out of the sum due to the deceased person at the time of his death.

In accordance with the spirit and letter of the laws of the United States, the accounting officers have determined that the arrears found to be due shall be paid, in all cases, to the proper parties interested in preference to attorneys.

HOBART BERRIAN,

November 1st, 1862.

Fourth Auditor.

LIST OF PRIZE CASES READY FOR DISBURSEMENT AT THE FOURTH
AUDITOR'S OFFICE, DECEMBER, 1868.

NAME OF CAPTOR.	NAME OF PRIZE.	DATE OF CAPTURE.
Adger, James.....	Sarah.....	May 6, 1862.
Alabama.....	".....	" 6, "
".....	Nelly.....	Sept. 23, "
".....	Catalina.....	June 20, "
Albatross.....	1,258 bags rice.....	" 30, "
".....	Two Sisters.....	Sept. 21, "
".....	Louise.....	" 19, "
".....	108 casks rice.....	" 30, "
Amanda.....	Slave bark.....	" 16, "
".....	Swan.....	May 24, "
America.....	Major Willis.....	April 19, 1863.
Anacostia.....	18 boxes tobacco.....	" 8, "
".....	Ladies' Delight.....	May 14, "
".....	Emily.....	" 24, "
Arizona.....	Aurelia.....
Arthur.....	J. G. McNeil.....	Jan. 5, 1862.
".....	Water Witch.....	Aug. 23, "
Augusta.....	E. J. Waterman.....	Nov. 30, "
".....	Major Willis.....	April 19, 1863.
".....	Aquila.....	Aug. 21, 1862.
".....	Cumbria.....	May 26, "
Bainbridge.....	New Castle.....	" 11, "
".....	Swan.....	" 24, "
Baron de Kalb.....	208 bales cotton.....	Since Mar. 8, '63.
Bienville.....	Sarah and Caroline.....	Dec. 11, 1861.
".....	Morning Star.....	June 27, 1862.
".....	La Criolla.....	May 29, "
".....	Providence.....	" 29, "
".....	Rebecca.....	" 29, "
Bohio.....	Engenie Smith.....	Feb. 7, "
".....	Henry Travers.....	March 8, "
Brazileira.....	Defiance.....	Sept. 7, "
Brooklyn.....	Magnolia.....	Feb. 19, "
".....	Meaco.....	Sept. 5, 1861.
Cambridge.....	Julia.....	" 8, "
Chambers, James S.....	Union.....	Aug. 25, 1862.
".....	Corelia.....	" 23, "
Chocura.....	Pride.....	Jan. 21, 1863.
Connecticut.....	Emma.....	" 17, 1862.
".....	Adeline.....	" 17, "
".....	Hermosa.....	Oct. 30, "
Currituck.....	American Coaster.....	May, "
".....	Wine, &c.....	Jan. 25, 1863.
".....	18 boxes tobacco.....	April 8, "
".....	Ladies' Delight.....	May 14, "
".....	Emily.....	" 21, "
Dale.....	Mabel.....	Nov. 15, 1861.
".....	" supplementary.....	" 15, "

LIST OF PRIZE CASES READY FOR DISBURSEMENT—(Continued).

NAME OF CAPTOR.	NAME OF PRIZE.	DATE OF CAPTURE.
Dale	Specie.....	Oct. 12, 1861.
Delaware	Lion.....	March 26, 1862.
De Soto	Major Barbour	Nov. 15, 1861.
"	William	Aug. 1, 1862.
E. B. Hale	Rowena.....	June 6, "
Ellen	"	" 6, "
Ethan Allen.....	Fashion	Nov. 29, 1861.
"	Olive Branch.....	" 29, "
Flag.....	E. J. Waterman.....	" 30, "
"	Major Willis.....	April 19, 1863.
"	Amelia.....	June 18, 1861.
"	Anglia.....	Oct. 27, 1862.
Flambeau.....	Active.....	April 26, "
Gem of the Seas	Dixie	" 15, "
"	Fairplay.....	March 12, "
Gemsbok	Ariel.....	Oct. 19, 1861.
G. W. Blunt.....	Wave.....	July 29, 1862.
"	Major Willis.....	April 19, "
Harriet Lane	Joanna Ward.....	Feb. 24, "
Hatteras	Magnolia.....	May 1, "
"	Sarah and Elizabeth.....	July 2, "
Henry Andrews.....	Rowena.....	June 6, "
Henry James	Adventure.....	Oct. 1, "
Housatonic.....	Major Willis	April 19, 1863.
Hunchback	Winter Shrub	May 2, 1862.
Huntsville	Reliance.....	July 21, "
"	Courier.....	Dec. 22, "
"	Agnes.....	Nov. 24, "
"	Ariel.....	" 14, "
"	Magnolia.....	Feb. 19, "
"	Zavalla.....	Sept. 30, "
Huron.....	Guide.....	April 19, "
"	Major Willis	" 19, 1863.
"	Aquila.....	Aug. 21, 1862.
"	Cumbria.....	May 26, "
"	Rowena.....	June 6, "
Itasca	Magnolia.....	Feb. 19, "
"	Lizzie Weston.....	Jan. 9, "
Isaac Smith	British Empire	April 8, "
Jamestown.....	Intended	May 1, "
"	Havelock	Dec. 15, 1861.
Juniata	Harvest.....	July 30, 1863.
Kanawha	R. O. Files.....	April 2, 1862.
"	Victoria	" 10, "
"	Charlotte	" 10, "
"	Annie	" 29, "
Kensington.....	Maria	Nov. 12, "
"	Dart	Oct. 6, "
"	Adventure.....	" 1, "

LIST OF PRIZE CASES READY FOR DISBURSEMENT—(Continued).

NAME OF CAPTOR.	NAME OF PRIZE.	DATE OF CAPTURE.
Keystone State	Sarah	June 20, 1862.
"	Salvor	Oct. 18, "
"	Cora	May 31, "
"	Dixie	April 15, "
"	Catalina	June 20, "
Kingfisher	Olive Branch	Nov. 1, 1861.
"	Lion	Feb. 21, "
Kittatinny	Julia	Jan. 8, 1863.
"	Major Barbour	" 28, 1862.
Lodona	Major Willis	April 19, 1863.
Magnolia	Carmita	Dec. 27, 1862.
"	Flying Fish	" 30, "
Mahaska	Revere	Oct. 1, "
Maratanza	"	" 1, "
Massachusetts	Delight	Dec. 11, "
"	Express	" 11, "
"	Advocate	" 11, "
"	Osceola	" 11, "
"	A. J. View	Nov. 28, "
Matthew Vassar	Sarah	May 6, "
"	Florida	Jan. 11, 1863.
"	New Eagle	" 1, 1862.
Mercedita	Magnolia	Feb. 19, "
"	Rose	April 8, "
"	Octavia	May 16, 1861.
"	Victoria	July 12, 1862.
"	Ida	" 12, "
Mohawk	Tocao	"
Montgomery	Isabel or W. R. King	Feb. 1, 1862.
"	W. E. Ohester	Nov. 20, "
Monticello	Revere	Oct. 1, "
Morse	Comet, Crittenden, and America	April 10, "
Mount Vernon	British Queen	March 1, "
Mystic	Mary Elizabeth	April 27, "
"	Sunbeam	Sept. 28, "
New Ironsides	Major Willis	April 19, "
New London	Delight	Dec. 11, "
"	Express	" 11, "
"	Advocate	" 11, "
"	Osceola	" 11, "
"	Gipsev	" 11, "
"	A. J. View	Nov. 28, "
Niagara	General Parkhill	May 12, 1861.
Northern Light	Agnes H. Ward	" 27, 1862.
Norwich	Sarah	" 6, 1862.
"	108 casks rice	June 30, "
Octorara	52½ bales cotton	" 1, 1863.
"	Tubal Cain	July 24, 1862.
"	Elias Reed	Nov. 5, "

LIST OF PRIZE CASES READY FOR DISBURSEMENT—(Continued).

NAME OF CAPTOR.	NAME OF PRIZE.	DATE OF CAPTURE.
Octorara.....	Brave.....	Jan. 16, 1863.
".....	Prize.....	Dec. 20, 1862.
Owasco.....	President.....	March 6, "
".....	Eugene.....	" 16, "
".....	Cargo.....	" 16, "
Paul Jones.....	Major Willis.....	" 19, 1863.
Pawnee.....	H. Ryan and Ocean Wave.....	Sept. 9, 1861.
".....	Rowena.....	June 6, 1862.
Pembina.....	".....	" 6, "
Perry.....	Comet, Crittenden and America.....	April 10, 1862.
".....	Alma.....	May 8, 1863.
Pocahontas.....	E. J. Waterman.....	Nov. 30, 1861.
Portsmouth.....	Pioneer.....	July 24, 1862.
Primrose.....	Sarah Lavina.....	May 8, 1863.
".....	Ladies' Delight.....	" 14, "
Pursuit.....	Ann Bell.....	May 7, 1862.
".....	Wm. Mallory.....	March 6, "
".....	Swan.....	May 25, "
Putnam.....	Comet, Crittenden, and America.....	April 10, 1863.
Quaker City.....	Fair Wind.....	Aug. 29, 1861.
".....	Amy Warwick.....	July 10, "
".....	Sally Mears.....	" 1, "
".....	Orion.....	" 24, 1862.
".....	North Carolina.....	May 14, 1861.
Rachael Seaman.....	Maria.....	Nov. 12, 1862.
".....	Adventure.....	Oct. 1, 1862.
Resolute.....	Sabine.....	April 19, "
Restless.....	Scotia.....	Oct. 24, "
".....	Anglia.....	" 27, "
Rhode Island.....	R. O. Bryan.....	July 11, "
".....	Venus.....	Dec. 22, 1861.
Roanoke.....	Albion.....	Nov. 25, "
Roebuck.....	Sarah.....	May 6, 1862.
".....	Kate.....	Dec. 27, "
R. R. Cuyler.....	Grace E. Baker.....	March 29, "
".....	A. J. View.....	Nov. 28, 1861.
".....	Ann Sophia.....	Aug. 27, 1862.
".....	Delight.....	Dec. 11, "
".....	Express.....	" "
".....	Advocate.....	" "
".....	Osceola.....	" "
Sagamore.....	Rose.....	April 8, "
".....	Octavia.....	" "
".....	By George.....	Nov. 24, "
".....	Ellen.....	July 7, 1863.
".....	Agnes.....	Nov. 24, 1862.
".....	Frances.....	Oct. 28, "
".....	Friar.....	" 28, "
Sam Houston.....	Soledad Cos.....	May 16, 1861.

LIST OF PRIZE CASES READY FOR DISBURSEMENT—(Continued).

NAME OF CAPTOR.	NAME OF PRIZE.	DATE OF CAPTURE.
Santee.....	Garonne.....	Dec. 31, 1862.
Sam Rotan.....	Martha Ann.....	April 24, 1863.
Santiago de Cuba... ..	W. C. Bee.....	" 23, 1863.
"	Britannia.....	June 25, 1863.
"	Lucy C. Holmes.....	May 27, 1863.
"	Victory.....	June 1, 1863.
"	Lavina.....	Aug. 27, 1863.
"	Columbia.....	" 8, "
State of Georgia... ..	Sunbeam.....	Sept. 23, "
"	Mary Elizabeth.....	April 27, "
Satellite.....	Ladies' Delight.....	May 14, 1863.
Savannah.....	E. J. Waterman.....	Nov. 30, 1861.
Scioto.....	Margaret.....	Feb. 6, 1862.
Sea Foam.....	Sarah.....	May 6, "
"	New Eagle.....	" 1, "
Seminole.....	E. J. Waterman.....	Nov. 30, "
"	Albion.....	" 25, 1861.
Seneca.....	Sarah.....	May 6, 1862.
"	E. J. Waterman.....	Nov. 30, "
Sheppard Knapp... ..	Sarah.....	May 6, "
Somerset.....	Curlew.....	June 1, "
Sonoma.....	Virginia.....	Jan. 18, 1863.
South Carolina.....	Shark.....	July 4, 1861.
"	Major Willis.....	April 19, 1863.
"	Falcon.....	July 5, 1861.
"	Magnolia.....	Feb. 19, 1862.
"	E. Barnard.....	Oct. 1, 1861.
"	Soledad Oos.....	Sept. 11, "
Stars and Stripes... ..	Mary Elizabeth.....	April 27, 1863.
St. Louis.....	Mesco.....	Sept. 5, 1861.
St. Lawrence.....	Mabel.....	Nov. 15, "
"	Good Luck and cargo.....	July 6, 1863.
Stettin.....	Major Willis.....	April 19, "
Susquehanna.....	Princeton.....	June 11, 1862.
T. A. Ward.....	S. W. Green, Nos. 2 and 4.....	Nov. 16, "
Tahoma.....	Uncle Moses.....	July 5, "
"	Hendrik Hudson.....	Feb. 1, 1863.
"	Silas Henry.....	Jan. , 1862.
Tioga.....	87½ bales cotton.....	June 1, 1863.
"	Granite City.....	March 22, "
Unadilla.....	Lodona.....	Aug. 4, 1862.
"	Major Willis.....	April 19, 1863.
"	Rowena.....	June 6, 1862.
Underwriter.....	Comet, Crittenden, and America.....	April 10, "
Union.....	Amelia.....	Aug. 8, 1861.
"	Geo. G. Baker.....	" 9, 1862.
"	Hallie Jackson.....	June 10, 1861.
Vandalia.....	Amelia.....	" 18, "
"	Geo. G. Baker.....	Aug. 9, 1862.

LIST OF PRIZE CASES READY FOR DISBURSEMENT—(Continued).

NAME OF CAPTOR.	NAME OF PRIZE.	DATE OF CAPTURE.
Vanderbilt	Gertrude	April 16, 1868.
Victoria	Minna	Nov. 5, "
Wabash	Amelia	June 18, 1861.
Wachusett	Virginia	Jan. 18, 1868.
Wanderer	Stone Wall	Feb. 20, 1862.
Water Witch	Wm. Mallory	March 6, "
W. G. Anderson	Theresa	Sept. 4, "
"	Lilly	Aug. 31, "
Whitehead	Comet, Crittenden, and America	April 10, "
"	Winter Shrub	May 2, "
Wissahickon	Gipsey	Dec. 29, 1861.
Wyandank	Rising Sun	Sept. 5, 1862.
Wm. Bacon	Anna Squiers	Oct. 1, "
Zouave	J. O. McCabe	Jan. 18, 1868.

CHAPTER IX.

PAYMENT OF BOUNTY, PRIZE MONEY, AND PENSIONS.



BOUNTY AND ARREARS OF PAY OF ARMY.

WHEN a claim for arrears of pay and bounty, or either, is audited by the Second Auditor, a certificate is passed to the Second Comptroller for examination, and when it receives his signature of approval, it is returned to the Second Auditor, and by him forwarded to the claimant, or the attorney of the claimant, if there be one.

This certificate is made payable to the claimant or his order, and it must have his signature thereto before it will be paid. The place for such signature and the manner of signing are fully described on the face of the instrument, and therefore need not be recapitulated here. Formerly these certificates were payable by any paymaster of the army, but late changes in the Pay Department make them payable in certain districts.

If the claimant wishes to transfer his certificate to another for convenience of collecting or otherwise, instructions for so doing will be found on the paper, and a blank form of assignment on the back thereof must be filled up, and the signature of claimant attested by two witnesses and a magistrate.

The certificate, when thus assigned, will be payable to the person to whom it is assigned, or to his order.

As will be seen by the following circulars, these certificates must be presented to the paymaster of the district from which the deceased soldier came, or the district in which the claimant resides. Thus it cannot be assigned to a person residing in a different district and by him collected therein. It will only be paid in the district of the soldier or that of the claimant.

[Circular.]

PAYMASTER-GENERAL'S OFFICE, WASHINGTON, D. C., }
August 27th, 1868. }

The large number of Auditor's certificates for arrears of pay and bounty due to deceased soldiers now being issued, requiring additional precautions in paying them, the following rules will hereafter be observed by all officers of this Department:

These certificates will be paid only by a paymaster belonging to the pay district from which such certificates are presented.

At the close of every month, each paymaster who has paid any of these certificates will forward, *direct to the Paymaster-General*, a list giving the number, amount, and name of person in whose favor issued, of each certificate so paid by him, and also name of person to whom the payment was made.

Where these certificates are presented by any paymaster outside of the district from which they come, he will refer them to the senior paymaster of the proper pay district for payment.

Where a paymaster is transferred from one district to another, he will forward the list as above required, made up to date of his changing his station, and commence a fresh list from time he enters on duty at his new station.

Where a paymaster resigns, he will make up and forward such list to date he closes his account.

T. P. ANDREWS,
Paymaster-General U. S. A.

[Circular.]

PAYMASTER-GENERAL'S OFFICE, WASHINGTON, D. C., }
July 16th, 1863. }

The following arrangement of pay districts, as at present divided, is published for the information and guidance of all concerned:

Pay District of New England and New York—Consisting of the six New England States and the State of New York; in charge of Major Thomas J. Leslie, Paymaster U. S. A., at New York city.

Pay District of Pennsylvania—Consisting of the States of New Jersey and Delaware, that portion of the State of Pennsylvania included in the Military Department of the Susquehanna, all that portion of Maryland east of Chesapeake Bay and north of the line of the Baltimore and Ohio Railroad, as far as Harper's Ferry, and the counties of Accomac and Northampton, in the State of Virginia; in charge of Major B. W. Brice, Paymaster U. S. A., at Baltimore, Md.

Pay District of Washington—Consisting of that portion of the State of Maryland south of the Baltimore and Ohio Railroad—not included in the pay district of Pennsylvania; the District of Columbia, and that portion of the State of Virginia east of the Alleghany Mountains; in charge of Major E. E. Paulding, Additional Paymaster U. S. A., at Washington, D. C. (The Army of the Potomac will be considered as belonging to this district, even if temporarily beyond its limits.)

Pay District of North Carolina—Consisting of the

Military Department of North Carolina ; in charge of Major W. C. H. Sherman, Additional Paymaster U. S. A., at Newbern, N. C.

Pay District of the South—Consisting of the Military Department of the South, and including Key West and the Tortugas ; in charge of Major Dwight Bannister, Additional Paymaster U. S. A., at Hilton Head, South Carolina.

Pay District of the Gulf—Consisting of the Military Department of the Gulf ; in charge of Major H. O. Brigham, Additional Paymaster U. S. A., New Orleans, La.

Pay District of Western Virginia—Consisting of that portion of the State of Virginia west of the Alleghany Mountains, the State of West Virginia, that portion of the State of Pennsylvania included in the Military Department of the Monongahela, and that portion of the State of Maryland west of Harper's Ferry ; in charge of Lieutenant-Colonel Hiram Leonard, Deputy Paymaster-General U. S. A., at Wheeling, West Va.

Pay District of Indiana and Illinois—Consisting of the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin ; in charge of Major Daniel McClure, Paymaster U. S. A., at Indianapolis, Ind.

Pay District of Kentucky—Consisting of all that portion of the State of Kentucky east of the Tennessee River ; in charge of Major William Cumback, Additional Paymaster U. S. A., at Cincinnati, Ohio.

Pay District of the Cumberland—Consisting of that portion of Tennessee east of the Tennessee River, and of Northern Alabama and Georgia ; in charge of Major William Allen, Additional Paymaster U. S. A., at Louisville, Ky.

Pay District of the Mississippi—Consisting of the portions of the States of Kentucky and Tennessee west of the Tennessee River, and the State of Mississippi ; in charge of Major George L. Febiger, Paymaster U. S. A., at St. Louis, Mo. (The army of General Grant will be considered as

belonging to this district, even if temporarily serving beyond its limits).

Pay District of Missouri—Consisting of the States of Iowa, Missouri, and Arkansas; in charge of Major Nathan W. Brown, Paymaster U. S. A., at St. Louis, Mo.

Pay District of the Northwest—Consisting of the State of Minnesota and Dacotah Territory; in charge of Major James H. Phinney, Additional Paymaster U. S. A., at St. Paul, Minnesota.

Pay District of Kansas—Consisting of the State of Kansas, the Indian Territory, and Territories of Nebraska and Colorado; in charge of Major F. E. Hunt, Paymaster U. S. A., at Fort Leavenworth, Kansas.

Pay District of New Mexico—Consisting of the Territories of New Mexico and Arizona; in charge of Major John A. Whittall, Paymaster U. S. A., at Santa Fé, New Mexico.

Pay District of the Pacific—Consisting of the States of California and Oregon, and the Territories of Nevada, Washington, Utah, and Idaho; in charge of Lieutenant-Colonel George H. Ringgold, Deputy Paymaster-General U. S. A., at San Francisco, Cal.

The officers in charge of these various pay districts will superintend the payments required of the Pay Department within their respective districts. Muster rolls of troops in the field and at posts where there are no paymasters stationed, should be forwarded to the chief paymaster of the district, who will place them in the hands of one of his subordinates for payment.

All questions and inquiries relating to the pay of officers and men, should be addressed to the chief paymaster of the district in which such officers or men are serving, who will take the necessary action on same; or, if it appears to be required, refer the case to the Paymaster-General.

T. P. ANDREWS,

Paymaster-General, U. S. A.

NAVAL.

Certificates for arrears of navy pay and for prize money are issued in a manner similar to army claims, but they are payable by the navy agent at some particular place which is specified on the face of the certificate.

PENSIONS.

Pensions are paid by officers appointed for that purpose, called pension agents, of which there is one in each of the principal cities.

The pension certificate has indorsed upon it the name and place of business of the pension agent who is to pay it, and it will be paid by no other person, unless regularly transferred from his books to the books of some other agency.

Pensions are payable every six months; army pensions on the 4th of March and 4th of September, and navy pensions on the 1st of January and the 1st of July.*

When the pensioner himself goes to the pension agent's office, which he must do, if he lives in the same place, unless prevented by sickness, the agent prepares the papers necessary to be signed, and the pensioner must produce his pension certificate.†

When a pensioner is first paid he must be identified by two witnesses; in after payments this formality will not be necessary.

* The statute of limitations runs against pensions. If a pensioner omits to call and collect his pension for six years, his claim is barred, and Congress can alone give him relief. But an unallowed claim for a pension is not barred for delay in asserting the right. Under the act of 1862, however, invalids must apply within one year after discharge; if they do not, the pension commences only from the date of application. See Opinion of Attorney-General, April 22d, 1845.

† Where a pensioner has, contrary to law, pledged his certificate for a debt, a new certificate will not be issued; but on proof of the facts, payment will be ordered to the pensioner without the production of the certificate. Opinion of Attorney-General, October 27th, 1882.

When a pensioner resides at a distance from the pension agent the latter will furnish, on application, blank forms to be filled up.

Each pensioner who is native born, or has been naturalized, is obliged to take *once* the oath of allegiance. If the pensioner be a minor the guardian must take the oath. Where the pensioner does not owe allegiance it should be properly explained. The following is the form of oath prescribed :

FORM No. 38.

Oath of Allegiance.

I, John Doe, a pensioner of the United States, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State Convention or Legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and, further, that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

JOHN DOE.

State of New York, }
 City and County of New York, } ss.

Subscribed and sworn to before me, this 1st day of November, 1863.

[L. s.]

ROBERT SEWELL,
 Notary Public.

All vouchers or any other papers executed with a view to obtaining payment of a pension, must be dated and executed the day the pension becomes due or after. Papers cannot be executed previously.

The pension agents are authorized to administer oaths for the payment of pensions, but papers may be sworn to before any magistrate or officer authorized to administer oaths.

A county clerk's certificate that such officer is so authorized, and that his signature is genuine, will be required to be annexed to papers, except where the magistrate is known to the pension agent. In order to save the expense and trouble connected with being obliged to procure this certificate at each payment, a certificate may be procured from the county clerk, with the magistrate's signature attached, certifying that he is commissioned for such a time. This certificate may then be filed with the pension agent, and he will be able to certify to the official character of the magistrate, and to the genuineness of his signature by referring to it. A notary public using his seal does not need authentication.

The following form may be used for that purpose:

FORM No. 39.

Certificate of Clerk of Court.

[This blank form is provided for the purpose of being filled up and *filed in the Pension Agency*, as to the official character, signature, and term of office of such magistrates as act officially in the preparation of vouchers on which pensions are paid. There will then be no necessity, when the magistrate on the vouchers is the same with that on *file in the Agency*, to execute the similar certificate provided for in the forms A—No. 3; E—No. 3; &c. The Agent will, on the receipt of such vouchers, compare the signature with that *filed in the Agency*, and, if satisfied, indorse on them "Certificate of official character of magistrate on file in this Agency." A. B., Pension Agent. The object of this is to save the expense of having a certificate of clerk of court forwarded every time a magistrate has vouchers executed before him.

If, during a quarter, a pension agent is furnished in one voucher with a certificate of the official character of a magistrate, then that certificate will answer for and apply to the official acts of the same magistrate in all other vouchers in the same quarter, provided the agent will indorse on the latter, "For certificate of court, as to the official charac-

ter of the magistrate, see voucher No. —;" but no such reference will be received unless the vouchers are rendered in the same quarterly account.

When the fact is personally known to the agent, he is permitted to certify to the official character of a magistrate, and will be held responsible for it.]

(Official signature of magistrate.)

EDWARD JONES,
Justice of the Peace.

State of New York, }
County of Madison, } ss.

I, John Doe, Clerk of the Supreme Court of the county and State aforesaid, do hereby certify that Edward Jones is a Justice of the Peace in and for said county duly qualified to act as such; that his term of office commenced on the 1st day of November in the year 1863, and will expire on the 1st day of November in the year 1865, and that his signature above written is genuine.

Given under my hand and the seal of the said Court,
[L. s.] at Morrisville, on this 10th day of November,
in the year of our Lord, 1863.

JOHN DOE, Clerk.

An invalid pensioner resident at a place distant from the pension agent, will obtain the following form, in blank, from the agent, and, when it is duly executed, forward the same to his attorney for collection. Any friend residing at the place where the pension agent is will act as attorney.

FORM No. 40.


Form for obtaining Payment of Invalid Pension.

INVALID.

[As Acts of Congress provide for the termination of a widow's pension by *remarriage*, and prohibit the *pledging* or *transfer* of a pension certificate, the magistrate *must require* the pensioner to show the latter and compare it with the copy herein before certifying; also to inquire

of a widow or mother if she has remarried; and of the latter, if she is still dependent on her pension for support. Vouchers must be executed *on or after* the date to which the payment is claimed, and the deposition and power of attorney signed by the pensioner. Erasures and interlineations must be noted by the magistrate, and the power of attorney, as well as all signatures by a mark, executed in presence of at least one witness other than the officer before whom acknowledged. If the power of attorney is not presented within three months from its date, a new one will be required. When a notary public uses a regular seal, a certificate of his official character is not necessary, but a commissioner of deeds must furnish it; and all vouchers executed in a foreign country before a United States consul, or having his certificate of the official character of a foreign magistrate, are sufficient. Each pensioner, or his attorney, must present himself at the agency to receive the money and to sign the receipts. Pension agents are authorized to administer oaths for *payment of pensions only*, and to charge the same fees allowed to officers in the State.

When a pension is terminated by death, marriage, expiration, or reenlistments, the arrears due are payable on demand, by surrendering the pension certificate; and when a *male* pensioner dies, the arrears due are payable to the *widow only*, if alive; if not, then it goes to his children. If no widow or children, the arrears should be paid to an administrator. If an *army pension* remains unclaimed for fourteen months, application must be made to the Third Auditor, with the usual deposition of the pensioner and proof of identity.

 The post-office address of the pensioner will be required underneath his or her signature to the deposition, with the name and number of the street, if any, where living.]

DEPOSITION.

State of New York,)
County of Madison,) *ss.*

Be it known, that before me, a Justice of the Peace, in and for said county, duly authorized by law to administer oaths, personally appeared Edward Roe, and made oath, in due form of law, that he is the identical person named in an original certificate in his possession, of which I certify the following is a true copy:

DEPARTMENT OF THE INTERIOR.—INVALID PENSION.

I certify, that in conformity with the law of the United States, Edward Roe is inscribed on the Pension List, Roll of the New York agency, at the rate of eight dollars per month, to commence on the 4th day of March, 1863. No sale, transfer, or mortgage of any description whatever, of the whole or any part of the pension payable in virtue of this certificate, is of any legal binding force against either the pensioner or the United States.

Given at the Department of the Interior, this
[L. S.] 20th day of July, 1863.

J. P. USHER, Secretary of the Interior.

Examined and countersigned.

JOS. H. BARRETT, Commissioner of Pensions.

That he now resides in Morrisville, and has resided there for the space of two years past; and that previous thereto he resided in New York, and that he has not been employed or paid, in the army, navy, or marine service of the United States from the 4th day of March, 1863, to the present time, nor since the date of his last pension certificate.

EDWARD ROE.

Post-office address, Morrisville, N. Y.,

In presence of—

No. 26 Main street.

(Two witnesses required when mark is made.)

EDWARD JONES.

JOHN JONES.

Sworn to and subscribed this 5th day of September, 1863, before me, EDWARD JONES, Justice of the Peace.

With this must be forwarded a power of attorney, as follows:

FORM No. 41.

Power of Attorney to Collect Pensions.

Know all men by these presents, that I, Edward Roe, of Morrisville, do hereby constitute and appoint Robert

Sewell, my true and lawful attorney, for me, and in my name, to receive from the agent of the United States for paying pensions in New York, State of New York, my pension from the 4th day of March, 1863, to the 4th day of September, 1863. Witness my hand and seal, this 5th day of September, 1863

EDWARD ROE. [L. S.]

Sealed and delivered in presence of—

EDWARD JONES.

JOHN JONES.

State of New York, }
County of Madison, } ss.

Be it known, that on the 5th day of September, 1863, before the subscriber, a justice of the peace in and for said county, personally appeared Edward Roe above named, and acknowledged the foregoing power of attorney to be his act and deed.

In testimony whereof, I have hereunto set my hand the day and year last above mentioned.

EDWARD JONES,

Justice of the Peace.

The attorney will be obliged to take the following oath :

FORM No. 42.

Oath of Attorney.

State of New York, }
City and County of New York, } ss.

Be it known, that on the 10th day of September, 1863, before me, Alpheus Forbes, pension agent, duly authorized by law to administer oaths, personally appeared Robert Sewell, the attorney named in the foregoing power of attorney, and made oath that he has no interest whatever in the money he is authorized to receive by virtue of the fore-

going power of attorney, either by any pledge, mortgage, sale, assignment,* or transfer, and that he does not know or believe that the same has been so disposed of to any person whatever.

ROBERT SEWELL.

Sworn and subscribed the day and year last above named, before me,

ALPHEUS FORBES, Pension Agent.

BIENNIAL EXAMINATION.

Invalid † pensioners are required by law to be examined every two years. The first biennial period commenced September 4th, 1859, for army pensions, and January 1st, 1860, for navy pensions. Persons who were pensioned for the loss of an arm or leg, or by a special act of Congress, will not be required to submit to this examination.

If a new army pension commences on or after the 4th of

* It appears that at common law a pension is capable of assignment, although otherwise as to half or other pay for continuing duties. The rule has been laid down thus: The principle which governs is that a man may always assign a pension given for past services, whether granted for life or during the pleasure of others. In such a case the assignee acquires a title both by law and equity, and may recover back any sum received in respect of it after the date of an assignment. But when the pension is granted not exclusively for past services, but as a consideration for some continuing duty or service, although the amount of it may be influenced by the length of service which the party has already performed, it is against the policy of the law that it should be assignable. *Wells vs. Foster*, 8 Meeson & Welsby, 152; *Tunstall vs. Boothby*, 10 Simons, 542; but see also *Davis vs. Duke-of Marlborough*, 1 Swanston, 74; *Grunfell vs. Dean and Canons of Windsor*, 2 Beavan, 550. Congress, however, has altered the common law in this respect by statutes, and has made the pensions granted by the United States inalienable, either by way of gift, sale, pledge, or liability for debt. See act of Congress, 18th March, 1818, 3 Stat. 416.

These provisions are truly in harmony with the spirit of the pension laws. They keep the pension guarded as a sacred fund, both from creditors and from the extravagance and folly of the pensioners themselves; for experience shows that were they able to alienate the munificence of Congress, they would, in too many cases, imitate Esau, and sell their inheritance for a mess of pottage, or perhaps oftener for a pot of messes.

† See act 3d March, 1859.

March, 1861, or a new navy pension on or after July 1st, 1861, the biennial examination of such will not be required till the next period, viz., September 4th, 1863, and January 1st, 1864, and this rule will be applied in the same manner at each succeeding biennial period.

If the degree of disability certified to is less than the rate at which last paid, the pension must be reduced accordingly; but it cannot be increased if the degree is greater.

The act of July 14th, 1862, provides for the appointment, by the Commissioner of Pensions, of civil surgeons, to make the biennial examination. A list of these surgeons will be found herein, chapter XII. It is not considered necessary to give here a copy of the surgeon's certificate, as these surgeons, being officially appointed, have their own official blanks.

For the convenience of pensioners there are two appointed surgeons in attendance at the pension office in New York, who will make the examination.

The fee to be charged by such surgeons is one dollar and a half each, making three dollars, which the pension agent will return to the pensioner on presenting the receipt of the surgeons for the same.

FORM No. 43.

Form for a Widow Pensioner, residing at a distance from the Pension Agent, to enable her to collect her Pension.

WIDOWS AND MOTHERS.

[As acts of Congress provide for the termination of a widow's pension by *remarriage*, and prohibit the *pledging* or *transfer* of a pension certificate, the magistrate *must require* the pensioner to show the latter and compare it with the copy herein before certifying; also to inquire of a widow or mother if she has remarried; and of the latter, if she is still dependent on her pension for her support. Vouchers must be executed *on or after* the date to which the payment is claimed, and the deposition and power of attorney signed by the pensioner. Erasures

and interlineations must be noted by the magistrate, and the power of attorney, as well as all signatures by a mark, executed in presence of at least one witness other than the officer before whom acknowledged. If the power of attorney is not presented within three months from its date, a new one will be required. When a notary public uses a regular seal, a certificate of his official character is not necessary, but a commissioner of deeds must furnish it; and all vouchers executed in a foreign country before a United States consul, or having his certificate of the official character of a foreign magistrate, are sufficient. Each pensioner, or his attorney, must present himself at the agency to receive the money and to sign the receipts. Pension agents are authorized to administer oaths for *payment of pensions only*, and to charge the same fee allowed to officers in the State.

When a pension is terminated by death, marriage, expiration, or re-enlistments, the arrears due are payable on demand, by surrendering the pension certificate; and when a *male* pensioner dies, the arrears due are payable to the *widow only*, if alive; if not, then it goes to his children. If no widow or children, the arrears should be paid to an administrator, with proof that he is an interested party, or was appointed at the request of the children. If an *army pension* remains unclaimed for fourteen months, application must be made to the Third Auditor, with the usual deposition of the pensioner and proof of identity.

[The post-office address of the pensioner will be required underneath his or her signature to the deposition, with the name and number of the street, if any, where living.]

DEPOSITION.

State of New York, }
County of Westchester, } *ss.*

Be it known, that before me, Edward Roe, a justice of the peace in and for the said county, duly authorized by law to administer oaths, personally appeared Mary Walsh and made oath, in due form of law, that she is the identical person named in an original certificate in her possession, of which I certify the following is a true copy:

DEPARTMENT OF THE INTERIOR.—WIDOW'S CLAIM.

I certify, that Mary Walsh, widow of Peter Walsh, who was killed in the service of the United States, is entitled

under the provisions of the act of Congress, approved July 14th, 1862, to receive pay at the rate of eight dollars and — cents per month, to commence on the 1st day of June, 1862, and to continue for life, unless she should again marry; in which case the pension is not payable after the date of such marriage.

[L. s.] Given at the Department of the Interior,
this 1st day of February, 1863.

J. P. USHER,
Secretary of the Interior.

Examined and countersigned.

JOSEPH H. BARRETT,
Commissioner of Pensions.

That she has not intermarried,* but continues the widow of the above-mentioned Peter Walsh; and that she now resides in Tarrytown, and has resided there for the space of ten years past; and that previous thereto she resided in New York, of the truth of which statement I am fully satisfied.

MARY WALSH.

Post-office address, Tarrytown, N. Y.

In presence of— No. —, — Street.

(Two witnesses required when this mark is made).

EDWARD SMITH.

EDWARD ROE.

Sworn to and subscribed this 5th day of September,
1863, before me,

EDWARD ROE, Justice of the Peace.

The power of attorney to be annexed in this case will be the same as form No. 41, with the addition after the name of the words "widow of — — — —."

* After the word "intermarried," below the copy of pension certificate, insert for a widow, the words, "*but continues the widow of the above-mentioned,*" adding also name of husband. For a mother, insert the words, "*since the date of her pension certificate; and that she is still dependent on her pension for support.*"

Where the magistrate has not filed a certificate of his appointment with the pension agent, as in form No. 39, a certificate must be attached, and this rule holds good in all cases.

The oath of attorney, form No. 42, is the same in all cases.

Formerly there was some difference in the forms prescribed for obtaining army and navy pensions, but as there seems to be no good reason for continuing this distinction under the act of July 14th, 1862, I do not encumber this volume with such forms.

MINORS OR OTHER WARDS.

To obtain payment of a pension due to a ward, the guardian must make oath to the following deposition, which must be accompanied with evidence of two witnesses that the ward is living. Where the guardian's name is not contained in the pension certificate, a certificate of a competent court that he is such guardian must be added.

FORM No. 44.

To enable a Guardian to collect Pension.

FOR ANY WARD.

[N. B.—If the ward is an invalid, insert in the space just above the place for signature of guardian, “and that he has not been employed or paid in the army, navy, or marine service of the United States from the — day of —, 18—, to the present time, nor since the date of his last pension certificate.”

If the ward is a widow, insert “that she has not intermarried, but continues the widow of the above-mentioned — —.”

If the ward is an orphan, no addition or change in the deposition is required.]

DEPOSITION.

State of New Jersey, }
County of Hudson, } ss.

Be it known, that before me, J. N. Cutter, a justice of the peace duly authorized by law to administer oaths, per-

sonally appeared Robert Sewell, guardian of Edward Brown, and made oath, in due form of law, that the said Edward Brown, minor child of John Brown, deceased, is still living, and is the identical person named in the original certificate in his possession, of which I certify the following is a true copy :

[Here insert a copy of the pension certificate in full.]

That he now resides in Jersey City, and has resided there for the space of two years past; and that previous thereto he resided in New York.

In presence of— ROBERT SEWELL, Guardian.

(Two witnesses required when mark is made.)

JOHN BROWN.

WILLIAM BLACK.

Sworn and subscribed to this 10th day of September, 1863, before me, J. N. CUTTEE, Justice of the Peace.

State of New Jersey, }
County of Hudson, } ss.

Be it known, that before me, a justice of the peace in and for the said county, duly authorized by law to administer oaths, personally appeared John Brown, of Jersey City, and William Black, of Jersey City, who are known to me as creditable witnesses, and made oath that they personally knew Edward Brown, minor child of John Brown, deceased, the pensioner, who is the ward of Robert Sewell, whose oath of identity, as guardian of said Edward Brown, dated 10th of September, 1863, has been exhibited to us; and that to our certain knowledge the said pensioner, Edward Brown, is now living at the date of said oath of identity, viz., on the 10th day of September, 1863.

JOHN BROWN.

(Two witnesses required when mark is made.)

WILLIAM BLACK.

JOHN DOE.

RICHARD ROE.

Sworn to and subscribed this 10th day of September, 1863, before me, J. N. CUTTER, Justice of the Peace.

The power of attorney in this case will be the same as form No. 41.

The county clerk's certificate will also be annexed, unless the magistrate has filed a general one with the pension agent.

The oath of attorney is the same in all cases.

The following certificate of guardianship should be annexed in cases where the guardian's name does not appear in the pension papers.

FORM No. 45.

Certificate of Court as to Guardianship.

State of New Jersey, }
County of Hudson, } ss.

I, _____, clerk of the _____ court, in and for said county, do hereby certify that _____, whose signature appears to the annexed oath of identity as guardian of _____, was appointed guardian of the said ward on the _____ day of _____, 18—, as appears on record in the office of said court, and is still the legal and acting guardian of said ward.

In witness whereof I have hereunto set my hand and affixed the seal of said court this _____ day of _____, 18—.

[Seal.] _____, Clerk.

The act of Congress of 2d March, 1829, and that of 29th June, 1840, provide that in case of the death of any pensioner, the arrears of pension due to him at the time of his death must be paid as follows: *

* A widow entitled to a pension, who in her lifetime fails to apply for the same, leaves her rights thereto to her children. The act gives her the pension,

1st. To the widow of the deceased pensioner, or to her attorney, proving herself to be such before a court of record.

2d. If there be no widow, then to the executor or administrator of such pensioner, for the sole and exclusive benefit of the children, to be distributed by him among the children in equal shares. The arrears of pensions thus paid are not to be considered part of the assets of the estate, and are not liable to be applied to the payment of the debts of the said estate in any case whatever.

3d. In case of the death of any pensioner who is a widow, leaving children, the amount of pension due at the time of her death must be paid to the executor or administrator for the benefit of her children, share and share alike.

4th. In case of the death of any pensioner leaving children, the amount of pension due may be paid to any one, or each of them, as they may prefer, without the intervention of an administrator. The children must give a power of attorney to the one who is to collect the pension. Forms are hereafter given for oath of identity and power of attorney in such cases.

5th. If there be no widow, child or children, then the amount due to a deceased pensioner at the time of his death must be paid to the legal representatives of the deceased pensioner.

6th. When an executor or administrator applies for pension due a deceased pensioner, he must present to the pension agent a certificate of the clerk of court, judge of probate, surrogate, or other proper officer, stating that he is duly authorized to act in that capacity on the estate of the deceased pensioner, and, if a male, that it has been proved to his satisfaction that there is no widow of the pensioner living.

and it is a vested right which her omission to assert in her lifetime does not invalidate. So, too, a widow marrying again may thereafter apply for such pension as she was entitled to during widowhood, and this principle governs all cases. Opin. of Attorney-General, April 13, 1837; Secretary of War, case of Knowlton.

7th. The date of the death of a pensioner must be proved before a court of record. The original certificate granting the pension must be surrendered as evidence of the identity of the person. In case it cannot be found, proof must be made that it has been carefully sought, and that it cannot be found. The clerk of the court of record before whom such proof is made will give a certificate of the same according to form No. 46. It is not necessary for him to set forth the evidence in detail, but only to state that the facts stated have been proved on testimony satisfactory to the court.

8th. As pensions are by law incapable of alienation, transfer, sale, or mortgage, should any person nevertheless undertake to hold the pension certificate, the pension may notwithstanding be collected on proof of the facts.

9th. When a pensioner is placed under guardianship, the guardian must, in addition to the evidence of the pensioner's identity, deposit with the agent a certificate from a court having competent jurisdiction, that he is at that time acting in that capacity, and also satisfactory evidence that his ward was living at the date the pension claimed became due. See form No. 44.

FORM No. 46.

Oath of Identity for a Widow, Child, Children, Administrator, or Executor of a deceased Pensioner.

[N. B. On the death of a pensioner, the widow, or, if no widow, the child or children of the deceased, can draw his or her pension up to the date of his or her death, without the intervention of administrator or executor.

When children are thus entitled, they can, by a *written order* to one of their number, authorize him or her to receive the whole amount due, and then he alone makes the annexed deposition; but in no case can a child thus authorized give a power of attorney to a third party for any part but his own.

~~§~~ When one of the children is appointed by the others to receive the balance, the attorney's oath is not required of the child. ~~§~~

If the pension certificate is lost, insert after the word *surrendered* in deposition, and after the *names* in certificate of court, "that the pension certificate of said pensioner has been lost, and, after due search and inquiry therefor, it cannot be found."

If more than fourteen months have elapsed since the death of the pensioner, the arrears will not be paid at any agency. The application must be made to the Third Auditor of the United States Treasury. No power of attorney is then necessary, as the draft of payment is always made payable to the party entitled].

DEPOSITION.

State of New York, }
 County of Westchester, } *ss.*

Be it known, that before me, _____, personally appeared, and made oath, in due form of law, that _____, of _____, the identical person who was a pensioner, and is now dead, and to whom a certificate of pension was issued, which is _____ herewith surrendered _____. That the deceased pensioner resided in _____, in the State of _____, for the space of _____ years before _____ death, and that previous thereto _____ resided in _____, in the State of _____.

In presence of— _____

 (Two witnesses required when mark is made.) _____

Sworn to and subscribed this _____ day of _____,
 18—, before me, _____.

CERTIFICATE OF THE COURT AS TO THE DEATH OF A PENSIONER.

State of _____, }
 County of _____, } *ss.*

I, _____, Clerk of the Court of _____, holden at _____, in and for _____, do hereby certify that satis-

factory evidence has been exhibited to said Court that _____ was a pensioner of the United States at the rate of _____ dollars per _____; was a resident of the county of _____, in the State of _____, and died in the _____, in the State of _____, in the year eighteen hundred _____, on the _____ day of _____; that he left _____, whose name, &c.

In testimony whereof, I have hereunto set my hand and affixed my seal of office at _____, this _____
[L. S.] day of _____, in the year of our Lord 18—.

Clerk of the _____.

The power of attorney in this case will be the same in form as form No. 41.

TRANSFER.

When a pensioner removes permanently to another State, he or she may have his or her name taken from the roll of the agency where it is inscribed, and transferred to the roll of the agent in the State to which he or she may have removed.

Instructions for obtaining such transfer.—The oath to be taken before a duly qualified magistrate, whose official character and signature must be certified by the proper officer.

The oath must be supported by the testimony of some respectable person as to the pensioner's identity. He must swear that the person who has taken the oath is the person described in the affidavit. The magistrate must certify that the witness is a person of veracity; and the affidavit must also be authenticated in the manner above directed.

Mode of authenticating Papers.—In every instance where the certificate of the certifying officer who authenticates the papers is not written on the same sheet which contains the affidavit, or other paper authenticated, the certificate must be attached thereto by a piece of tape or ribbon,

the ends of which must pass under the seal of office of the certifying officer, so as to prevent any paper from being improperly added.

FORM No. 47.

Application for a Transfer.—Invalid.

County of New York, ss.

On this 10th day of November, 1863, before me, the subscriber, a notary public for the said county of New York, personally appeared John Doe, who formerly belonged to the company commanded by Captain Healy, in the regiment commanded by Colonel Wm. J. Sewell, in the service of the United States; that his name was placed on the pension roll of the State of New Jersey, whence he has lately removed; that he now resides in the State of New York, where he intends to remain, and wishes his pension to be there payable in future. The following are his reasons for removing from New Jersey to New York: that he has relatives living in the latter place, and none in the former.

JOHN DOE.

Sworn and subscribed to before me, the day and year aforesaid.

ROBERT SEWELL.

[L. s.]

Notary Public.

The application for transfer of widows' or other pensions may be similarly made. The name of the pensioner should be inserted, and the relation borne to deceased soldier, and also the company and regiment of said soldier.

When a pensioner loses or destroys the pension certificate, he or she must make application for another, as the pension will not be paid without.

APPLICATION FOR A NEW CERTIFICATE.

Instructions.—The time, place, and manner of the loss or destruction of the certificate must be clearly stated. The

pensioner's oath must be supported by the evidence of another person as to identity. The witness must swear that he well knows him to be the same person described in the affidavit, and the magistrate must certify that the deponent is a person of veracity. When a person acting as agent or attorney loses the certificate, the affidavit of that person is required.

FORM No. 48.

Application for new Certificate.

State of New York, }
 City and County of New York, } *ss.*

On this 1st day of November, 1863, before the subscriber, a notary public for said county, personally appeared John Doe, who, on his oath, declares that he is the same person who formerly belonged to the company commanded by Captain Healy, in the regiment commanded by Colonel William J. Sewell, in the service of the United States; that his name was placed on the pension roll of the State of New York; that he received a certificate of that fact under the signature of the Secretary of the Interior, which certificate, on or about the 10th day of October, 1863, at *his house in New York, fell from his hands into the fire, and was destroyed.*

JOHN DOE.

Sworn to and subscribed before me, on the day and year aforesaid.

[L. s.]

ROBERT SEWELL,
 Notary Public.

State of New York, }
 City and County of New York, } *ss.*

On the 1st day of November, 1863, before me, the subscriber, a notary public for said county, personally appeared Edward Roe, who, on his oath, declares that he well knows

John Doe, who has executed the foregoing affidavit, to be the identical person named therein. EDWARD ROE.

Sworn to and subscribed before me, on the day and year aforesaid.

[L. S.]

ROBERT SEWELL, Notary Public.

In consequence of the many impositions to which pensioners residing at a distance from the agent have been subjected by persons acting as attorneys in the collection of their pensions, Mr. Alpheus Fobes, the Pension Agent in New York, has issued the following circular, in which he points out to pensioners a way of collecting their pensions at a small charge. I presume all other pension agents will act in the same way.

TO UNITED STATES ARMY AND NAVY PENSIONERS.

Each pensioner must go personally, or send his attorney to the Agency, to receive the money, and sign receipts for it.

Those on the roll of the New York city agency, wishing to draw their pensions by attorney, can be furnished with suitable blanks, if they write to the United States Pension Agent, Exchange Place, corner of Hanover street, New York city, giving name of pensioner and post-office address in full, and naming the act under which their pension was granted.

If you want a friend in New York to give receipt, take attorney's oath, and remit the money, you may send your vouchers, properly made out (leaving attorney's name blank), direct as above to United States Pension Agent, who has a friend that will act as your attorney for the small fee of fifty cents for all sums under fifty dollars; and over that amount, seventy-five cents. The Agent's draft on the Assistant Treasurer is the safest remittance, and can be cashed in most parts of the United States.

All vouchers for the payment of pensions must be executed on or after the date to which payment is claimed.

☞ The deposition and power of attorney must be signed by the pensioner, and every erasure, interlineation, or alteration, in word or figure, must be noted in due form by the magistrate, who must compare it with the pension certificate, and see that it is a true copy. All powers must have two witnesses, and where the pensioners make their mark, there must be one witness besides the magistrate's to each signature.

☞ No power is valid over three months.

Oaths of allegiance required, the first payment.

Vouchers may be executed before a notary with his seal.

If before a magistrate or commissioner of deeds, the clerk's seal as to his official character must accompany it.

When the blank N is filled up with magistrate's signature and clerk's seal as to his official character and term of office, the Agent can file it and certify each voucher executed by him, during his term of office.

All vouchers executed in a foreign country before a United States consul, or having his certificate of the official character of a foreign magistrate, are sufficient.

The post-office address of the pensioner is required underneath his or her signature to the deposition, with name and number of the street (if any) where living.

All army invalids whose pensions commenced on or before March 4th, 1863, will require the biennial examination by two surgeons appointed by the Pension Bureau for payment up to 4th September, 1863 (except those who are exempt from such examinations; for instance, those who have been pensioned *only* for the *destruction* of an eye or the loss of an arm or leg, or granted under special act, &c.)

In most places there are surgeons appointed by the Pension Bureau.

Navy invalids whose pensions commenced on or before

the 1st of July, 1863, require the same examination for the payment 1st of January, 1864, as that above referred to.


In some certificates the words "Annual examination" or "Semi-annual examination required," are appended; in such cases the examination is to be made by only one appointed surgeon, except biennial examination.

Where the examinations are made by surgeons appointed by the Pension Bureau, the fees will be refunded by the pension agent.

Those drawing by power, must add at the end of it "and to receive the \$ — on the receipt herewith of Doctors (giving surname only) dated (giving date.)"

All examinations made by other civil surgeons, their certificate as well as that of the magistrates must be furnished at the expense of the pensioner; the magistrate also certifies that he knows them, and that their reputation for skill and integrity is good.

 See heads of vouchers for other instructions.

 Be explicit how you wish remittances made, whether by express or mail, by agent's draft, bills, or bank drafts.

N. B.—In all communications with the United States Pension Agent, send stamps for return postage on papers, &c.

NEW YORK CITY, *December, 1863.*

CIRCULAR TO PENSIONERS.

PENSION OFFICE, *May 15th, 1863.*

Blanks for drawing pensions can be gratuitously obtained from this office, and agencies where pensions are paid. Orders should designate the number of each particular form, and the alphabetical letter in this list; or else state, if the form is desired for an army or navy pensioner, and whether it is for an invalid, a widow or mother, or a sister or sisters, or a child or children, as well as the act mentioned in

the pension certificate. If the pensioner is dead, that should be stated.

From time to time complaints have been received from pensioners, alleging that excessive fees have been required for preparing their vouchers with powers of attorney, and, either through ignorance or design, they have been led to believe that these excessive charges were exacted by pension agents. It is only necessary to state, in vindication of the latter, that when a pension is paid on a power of attorney, the only fee to which the pension agent can be officially entitled is the small one for the oath of attorney, should he be called on to administer it. The other regular legal charges paid by the pensioner are for two oaths, viz., deposition and acknowledgment of power of attorney, and for the certificate of clerk of court, as to the official character of magistrate, when necessary. There is another fee, or sum of money retained by the attorney drawing the pension, for acting as such and remitting the money. But all these expenses, excepting the last item, are incurred before the vouchers are presented at the agency, and therefore the agent has no knowledge of them.

The fees for administering oaths are prescribed and controlled by the laws of the particular State in which the vouchers are executed; therefore the application to the Pension Office for a reduction, or a reform in the matter, which pensioners seem so earnestly to desire, should be made to the Legislatures of their respective States.

The forms are now printed with suitable directions, requiring so little writing to perfect them that, with their aid, nearly every one should be competent to prepare his own vouchers; or, if prepared by others, the expenses should be moderate.

A pensioner is disqualified by law from pledging or transferring his pension certificate; neither can his pension be taken from him for debt, as it must inure for his exclusive use and benefit; nor, in case of his or her death, will

the arrears of pay form any part of the assets of his or her estate.

Pensioners intending to be long absent frequently leave their pension certificates with some person outside of their family, who lose them, or else, by removing to a distant portion of the country, they cannot be recovered. To avoid this, it is suggested that they be forwarded to the Pension Office for safe keeping, or, if their absence is more temporary, they be deposited with pension agents.

Army pensions, that are continuous, are paid either to the 4th day of March, or to the 4th day of September, and navy pensions to the 1st day of January, or to the 1st day of July; and any paper, required as a part of the pension vouchers, must be executed on or after the date to which payment is claimed. At the time of executing them, the pension certificate must be personally presented to the magistrate, to enable him to certify that it is in the possession of the pensioner, and that the copy required is correctly made. Hereafter the post-office address of a pensioner, with the name and number of the street, if any, where living, is to be written underneath the signature to the deposition, each time paid.

The oath of allegiance is required once from every person signing pension vouchers, and in the case of a new pension, to accompany those presented for the first payment. It will not be required again on the same certificate, unless the pensioner dies, or, as in case of a ward, there is a change of guardian. If a pensioner has taken the oath of allegiance, and the pension should thereafter be increased, it will not be necessary to furnish such oath on payment of the increased rate. When a pensioner has resided in the United States without naturalization, or owing allegiance to same, or has always lived in a foreign country, it would obviate objections to have the magistrate certify to the same on the voucher.

When a pension is terminated by death, marriage, ex-

piration, or by an invalid reëntering the United States army or navy, the arrears due are payable on demand ; but if remaining unclaimed over fourteen months from the date of such death, &c., it is, if an army pension, payable at the office of the Third Auditor of the Treasury Department, and if a navy pension, at the office of the Fourth Auditor. A pension is unclaimed when fourteen months elapse after a payment is due and payable, without being claimed ; but if claimed, and the vouchers are returned for correction, the time occupied for this purpose is not reckoned as part of the fourteen months, unless too long a time is suffered to pass. When no payment has been made on a pension certificate, the fourteen months are computed from the first semi-annual pay day following its date ; but if all the pension allowed is payable when the pension certificate issued, then the fourteen months are reckoned from the date of it. Should the payment of a pension be withheld by order of the Department, the time covered by it will not be made a part of the fourteen months ; so that, when the suspension is removed, it will be payable at the agency, if it was so before the order was given.

If a male pensioner dies, the arrears due are payable to the widow only, if alive ; if not, then it goes to his children. If there be no widow or child, then the arrears will be paid to an administrator. Children thus entitled can, by a written order to one of their number, authorize him or her to draw the arrears, and the one thus authorized alone signs the vouchers.

If a pensioner dies anterior to the date of his or her pension certificate, the Pension Office must be immediately notified thereof, with date of death, and its official action communicated before application is made for payment.

The next biennial examination of army invalid pensioners occurs on the 4th day of September, 1863, and of navy invalid pensioners on the 1st day of January, 1864. The invalids heretofore exempt from such examinations were those

pensioned for the loss of an arm, or a leg, or those placed on the rolls by special act of Congress. To these are now added, by a decision of the Second Comptroller, dated March 6th, 1863, those pensioned for no other disability than the loss of a finger, a toe, an eye (not eyesight), or for the privation of some like essential part of the pensioner's body.

If the biennial examination is made by two surgeons, who are regular appointees of the Pension Office, and their oath of office filed therein, they will not be required to make oath to their certificate of examination, or to have a magistrate certify to their reputation for skill and integrity. The fee prescribed by law must be paid by the pensioner to the surgeons, and the receipt therefor surrendered, with the medical certificate, to the pension agent, and he will refund it; but in no case will it be paid before the agent's acceptance of the medical certificate, and the payment of the pension authorized thereby. The fees will be refunded to the pensioner in person, or on his power of attorney, in the vouchers to which the receipt is attached. In the latter case there must be added, at end of power of attorney, "and to receive the (*specify the amount*) on the receipt, herewith, of Doctors (*giving surnames only*), dated" (*giving the date*). Should the biennial examination be made by other civil surgeons than those regularly appointed, their certificate, as well as that of the magistrate, must be furnished at the expense of the pensioner.

When a new army pension, or an increase, commences on or after March 4th, 1863, or a new navy pension, or an increase, commences on or after July 1st, 1863, the biennial examination of the former will not be required until September 4th, 1865, and of the latter until January 1st, 1866.

It is recommended to pension agents to arrange, as far as may be practicable, with two or more appointed surgeons, to meet for one or more days, at or near the agency, to make biennial examinations; and pensioners distant from the agency are advised to have similar arrangements, if

their numbers will justify it, embracing one or more counties, in order to secure the services of two regular appointed surgeons, as that number is necessary to each medical certificate, and is essential to the refunding of surgeon's fees.

Although two surgeons must make the biennial examination, yet, when an examination is designated in a pension certificate at a specified period, or rendered necessary by the temporary character of the disability, it can be made by one of the appointed surgeons, and the fees refunded in the same manner as in biennial examinations.

Should the name of a pensioner, entitled to be exempted from the biennial examination, be omitted from the official list furnished each agency, it will be added on application.

A list of surgeons appointed under act of July 14th, 1862, with their town, county, and State residence, will be published for general distribution.

A new form for the certificate of biennial examination will be provided, having a receipt attached for the appointed surgeons to sign.

INSTRUCTIONS TO PENSION AGENTS.

PENSION OFFICE, *May 15th, 1863.*

Payments to army pensioners are semi-annually made to the 4th day of March and 4th day of September, and to navy pensioners, to the 1st day of January and 1st day of July, in the legal currency of the United States. In regard to the parties, rate of pension, and amount due, you will be guided by the list received from your predecessor, and instructions from this office. Official notice will be regularly sent of every additional pensioner, and its reception is essential before payment.

Every pensioner on, or hereafter to be inscribed on the rolls, is, or should be, placed under some one of the general acts specified in the form for the monthly statement. For

instance, all pensions for disability are inscribed under the general head of "Invalid," and any to widows by a special act of Congress will or should have the general act under which to be inscribed specified in the notification. This rule should be rigidly observed, in order to avoid having a name misplaced in the abstract of payments.

Reëntering the United States army or navy terminates an invalid pension, and when paid to date of enlistment the pension certificate must be surrendered, just the same as it is in all other cases of a payment in full.

When an invalid pensioner becomes a beneficiary in the "Soldier's Home," "Military Asylum," or in the "Navy Asylum," the accruing pension, from the date of his entry to the time of his leaving, is payable to the institution; but if any portion of a semi-annual payment is due to him when entering, or if, after leaving, he should reënter the institution, it cannot be paid until the end of the semi-annual period of which it forms a part.

Should a pensioner die anterior to the date of his or her pension certificate, the payment must be suspended until this office is notified thereof (with date of death), and its action communicated.

The act of Congress of February 4th, 1862 (page 337, United States Statutes at Large), forbidding the payment of a pension to such persons "as have or may hereafter take up arms against the Government of the United States, or who may have in any manner encouraged the rebels or manifested sympathy with their cause," makes it necessary that all such cases coming to your knowledge should be promptly reported.

If any vouchers presented for payment are objected to, a statement or memorandum, intelligibly pointing out the objections, or else suggesting what is required to perfect them, must accompany their prompt return.

Pensioners intending to be long absent frequently leave their pension certificates with some person outside of their

family, who lose them, or else remove to some distant portion of the country, so that they cannot be recovered. To avoid this, they should be forwarded to the Pension Office for safe keeping; but if their absence is more temporary, and they should prefer to deposit them with you, they should be received, and if not called for when their pension is reported as unclaimed, or at a specified time after that period, they should be transmitted to this office.

Funds to meet the regular semi-annual payments will be provided according to the estimates of the office, but if, from the accumulation of arrears, increased number of new pensions, or other causes, the amount is manifestly inadequate; or if, before the arrival of the period for the usual semi-annual remittance, the funds will probably be exhausted, notice of the deficiency should be promptly given, accompanied in the latter case by a summary statement of disbursements, amount on hand, and estimate of the sum required.

Printing is no longer authorized, but all the usual printed forms will be furnished on your orders, which should not only designate the number of each, but anticipate the time at which they may be required for use. Receipts for the payment of a pension will be supplied in sheets, or, when desired, bound in a book: but the orders for the latter, as well as other forms, should be forwarded in ample time for execution. Another object would also be attained by this course, viz., combining the printing and binding of a large number of receipts at one time. Any form, or parts of forms, that accumulate over and above the demand at an agency, should be returned, in order that they may be supplied to those requiring them. Books and stationery, without printing, will be purchased by agents as heretofore, and the vouchers of the same rendered with their other accounts to the proper Auditor.

Compensation to pension agents was provided under the act of February 20th, 1847 (vol. 9, p. 127), but has been amended or superseded by the joint resolution of July 17th,

1862 (page 627), which enacts that they shall be allowed "two per cent. commission on all disbursements made by them to pensioners of the United States: *Provided*, That the aggregate compensation to any one agent paying both army and navy pensions shall not exceed two thousand dollars per annum." This calculation has been by the calendar year.

THE REPORTS

Hereinafter mentioned are to be rendered to this office, on the prescribed blanks, as soon as practicable after the period designated; and those of the army to be separate and distinct from those of the navy. If not transmitted within a reasonable time, the usual semi-annual remittance of funds will be withheld until they are received. The monthly statement and abstract of payments should be forwarded together, and in making out the latter, select the exact number of sheets wanted, fasten them in the middle in book form, and compactly fill every page except the two *outside* or *first* and *last pages*. This is required to be strictly observed, to avoid waste and making the abstract too bulky. No sheet should be mutilated or divided, although containing the report of but one payment for the month, as such mutilation would interfere with the manner of preserving the files. If in any month there should be no payments, a statement alone should be rendered at end of same, showing the amount on hand at the beginning and end, with "no payment" written against the appropriation heads.

The careless manner of spelling names and writing them unintelligibly is a perplexing evil, and if it be a conceded privilege for a person to spell his own as he pleases, it must be uniform. Any material difference detected between the name as inscribed on the roll and the one written in the voucher, should be promptly investigated, and the identity of the rightful party established, with proper correction of pension papers before payment.

If there be more than one pensioner on the same roll, of the same name, rank, and rate, some regular method of identifying the particular one to whom a payment is made must be adopted in the abstract. Specifying the county residence will be sufficient in some cases. In all cases the name of the late husband of a widow, of the late son of a mother, of the late brother of a sister, and of the late father of children, must be given in the abstract. In the latter case, instead of writing their christian names, substitute after surname, "children of."

SEMI-ANNUAL

Reports of army pensions are required on the 5th day of Máy and 5th day of November, and of navy pensions on the 2d day of March and 2d day of September, in each year, to contain the names of those who, since the last report, have not claimed the payment of their pension within fourteen months; have had the payment of their pension suspended, or have been dropped from the roll; have been transferred from your agency to another; together with the date to which each one was last paid. Any authenticated cases of death, marriage, or reënlistment, not paid in full, should be added in the above report for the information of this office.

A pension is unclaimed if fourteen months elapse after a payment is due and payable, without being claimed; but if claimed, and the vouchers are returned for correction, the time occupied for this purpose is not reckoned as part of the fourteen months, unless too long a time is suffered to pass. When no payment has been made on a pension certificate, the fourteen months are computed from the first semi-annual pay day following its date; but if all the pension allowed is payable when the pension certificate issued, then the fourteen months are reckoned from the date of it. Should the payment of a pension be withheld by order of the Department, the time covered by it will not be made a part of the fourteen months; so that when the suspension

is removed, it will be payable at the agency, if it was so before the order was given. Official information of a payment made at the treasury of an unclaimed pension, should be recorded at the agency where the pensioner is inscribed.

STATEMENTS OF FUNDS

Are to be rendered, showing the amount on hand at the beginning and end of each month, the amount received and disbursed, specifying the latter under each head of appropriations as arranged in the blank form. The same sum on hand at the end of a month must be brought forward as the beginning of the succeeding one, and any permanent variation produced by disallowance at the Treasury Department should be explained by giving the act under which it arose, and be added to that balance, to show the correct sum due to the United States. It is not necessary to note in this manner the amount of suspended vouchers, because the suspension is not caused by the amount paid being erroneous, but by some imperfection of the voucher. By leaving them entirely out of the monthly statement, the accounts would be less complicated and more easily kept correct. No fractions of a cent should be allowed to appear in the statement of an account or in an abstract.

ABSTRACTS

Of payments should accompany the monthly statement, with the names alphabetically arranged under the act or section of the act to which each belongs, and each page of payments footed up and carried forward, to show the total of each act or section. The abstract must show when arrears due deceased pensioners are paid, the name by whom received, and whether a widow, child or children, executor or administrator. If all the children are not paid, it must specify which are and which are not. When a pensioner is paid to the date of her remarriage, the name inscribed on the roll is

to be used in the abstract, and the one received by the re-marriage noted in the margin, otherwise the office cannot know to whom the payment refers. If an invalid pensioner reënters the army or navy, and thereafter dies, the payment of arrears would only be to date of such enlistment, which should not only be specified, but the date of death also, otherwise the office might possibly be led to the incorrect conclusion that the date of his enlistment was the time of his death.

The county residence of pensioners being required, it should be added, without post-office address, in the abstract containing a report of the first payment you make. If it is in another State, its name will be sufficient.

It too frequently occurs that pensions allowed under the 1st section of act of February 3d, 1853, are reported under the 2d section of same act, and pensions allowed under 1st section, act July 4th, 1836, are reported under the 3d section of same act, or *vice versa*. This should be carefully avoided, as they are paid out of different appropriations, and, in a future reference to them, they might be overlooked, because they are misplaced. It should be observed that pensions under 1st section of act February 3d, 1853, and 1st section of act July 4th, 1836, have the rate stated by the month, while those under the other above-named sections have the rate stated per annum. No abstract will be received when names of pensioners, under different acts or sections of an act, required to be kept separate, are returned together under one heading. Pensioners under 1st section July 4th, 1836, July 21st, 1848, 1st section February 3, 1853, and June 3d, 1858, are sometimes reported together under a heading of "Half Pay" or "Consolidated Acts." They must be separately reported under their appropriate act or section in the abstracts.

TREASURY DEPARTMENT.

The Second Comptroller will give you the usual instructions for rendering your vouchers and accounts relating to

army pensions to the Third Auditor, and those relating to navy pensions to Fourth Auditor. Receipts for funds received for paying pensions should be sent to the Third Auditor when for army pensions, and to the Fourth Auditor when for navy pensions. It should always be borne in mind that the reports and accounts required by the accounting officer of the Treasury Department are in addition to, and entirely distinct from, those to the Pension Office. It is probable the same forms will answer for both; at least, their use can be continued until objected to, and the abstracts to the former can be rendered on a half, one, or more sheets, and written on both sides, as the number of names under a separate act or section may require, and be folded with the vouchers of an act or section to which each belongs.

Owing to an apparent misconception of recent instructions, and from inquiries addressed to this office, it may prevent embarrassments and aid in perfecting returns, to say that those issued by the Second Comptroller do not change or modify those heretofore given by the Pension Office, nor would those of the latter affect the former, and that the preceding remarks under the head of "Abstracts" are equally applicable to the quarterly abstracts to be rendered to the Auditors so far as they may relate to the proper alphabetical arrangements of names under each act or section; the footing up of the column of payments on each page and carrying forward the amount to show the total under each act or section; to avoid misplacing names under one section of an act when they belong to another section of the same act; and when there are two of same name, &c., some uniform mode must be adopted for identifying each one.

The Auditors require the abstracts of payments, with the number of the vouchers on the left hand of each name at the end of each quarter, and the Pension Office at the end of each month, but the number of the vouchers may be omitted in the latter.

The monthly statement of funds to both offices will

probably be substantially the same. If commissions are omitted from the monthly return to the Auditors, they can be regularly computed in the one to the Pension Office; but owing to fractions that may arise, care should be taken that the aggregate of the three months exactly corresponds with the sum rendered in the quarterly statement to the Auditors.

Difficulties have been experienced by adding and subtracting the amount of suspended vouchers in the statement of funds or account current, and it probably has been included under the impression that it was required, but as it is not, it would simplify the keeping of the accounts to omit it.

Suspended vouchers should be corrected and returned without delay, as it might otherwise be prevented by the death or change of residence of the pensioner. It has happened that when a pensioner has applied for a transfer, the agent has requested that it be refused until some suspended vouchers have been corrected; but if the cause of their non-correction arises from his neglect, the request could not, with propriety, be entertained.

BIENNIAL EXAMINATION

Of army invalid pensioners will take place on the 4th day of September, 1863, and of navy invalids on the 1st day of January, 1864, as well as every two years thereafter. Those who are exempt from it have been pensioned by a special act of Congress, or for the loss of an arm, a leg, or for no other disability than the loss of a finger, a toe, an eye (not eyesight), or privation of some like essential part of pensioner's body. When a new army pension or an increase commences on or after March 4th, 1863, or a new navy pension or an increase commences on or after July 1st, 1863, the biennial examination of the former will not be required until September 4th, 1865, and of the latter until January 1st, 1866. If this examination is made by two surgeons, regular

appointees of the Pension Office, and their oath of office filed therein, they will not be required to make oath to the same, or to have a magistrate certify to their reputation for skill and integrity. The receipt for fees of the biennial examinations paid to appointed surgeons should be surrendered with the medical certificate, and if the latter is satisfactory and payment is made of the pension authorized thereby, you will refund the same, retaining the receipt to send to the Auditors with the vouchers. No payment of such receipt should be made except to the pensioner in person, with an indorsement of "Received the within \$—— of pension agent," or upon a power of attorney, adding at end of it, "And to receive the \$—— on the receipt herewith of Doctors (*giving surname only*), dated" (*giving date*). Should this examination be made by other civil surgeons, their certificate, as well as that of the magistrate, must be furnished at the expense of the pensioner. Every medical certificate should be particularly scrutinized to see if the description of the disability and estimate of the degree is in the handwriting of one of the signers; if not, a new one must be required. Although biennial examinations require two surgeons, yet an examination designated in a pension certificate, or necessary by the temporary character of the disability, can be properly made by one of the appointed surgeons, and the fee refunded in the same manner as biennial examinations.

When a pension is or has been reduced by either of the above examinations, the reduction is permanent; and as no increased rate can thereafter be paid by an agent, he should at once substitute the reduced rate on the roll for the previous one. A neglect of this precaution is liable to result in overpayments at subsequent dates.

A list of surgeons appointed for this duty, with their town, county, and State residence, will be furnished to each pension agent; and it is recommended that arrangements be made, if practicable, with two or more of them, to meet

for one or more days at or convenient to the agency, on the 4th day of September, 1863, to make the biennial examinations, and that it be suggested to others, distant from the agency, to have similar arrangements in their vicinity when the numbers will justify it.

COMPUTATION OF PENSIONS.

The following mode of calculating the amount due on a pension for a less period than a semi-annual payment, is practised by the accounting officers :

A regular semi-annual payment, from March 4th to September 4th, does not include the payment for the last date, as the six months are complete without it. If a pension has been allowed at the rate of \$30 per month, and has been paid to September 4th, 1862, and the next payment is claimed to March 1st, 1863, the manner of reckoning would be from September 4, 1862, to February 4th, 1863, in order to find the number of complete months, and then from February 4th to March 1st, 1863, both dates inclusive, to ascertain the number of days, making 5 months and 26 days. When leap year occurs, February would have one day more. To compute the pension for the 26 days, multiply it by the rate of pension (\$30), and divide the product by the number of days in the month of February (28, leap year 29 days), and the quotient will be \$27.86. The statement will be thus :

From September 4, 1862, to February 4, 1863, 5 months, amounting to	\$150 00
From February 4, 1863, to March 1, 1863, 26 days, amounting to....	27 86
	<hr/>
Total amount to be paid.....	\$177 86

A pension is inscribed at the rate of \$20 per month, to commence May 15th, 1862, and the payment is claimed to March 4th, 1863. To compute it, ascertain first the amount accruing up to June 4th, 1862. From May 15th, 1862, to June 4th, 1862, excluding the last date, would be 20 days ; multiply it by the rate per month (\$20), and divide the

product by the number of days in the month of May (31), and the quotient will be \$12.90. From June 4th, 1862, to March 4th, 1863, are nine months. The statement will be thus :

From May 15, 1862, to June 4, 1862, 20 days, amounting to.....	\$ 12 90
From June 4, 1862, to March 4, 1863, 9 months, amounting to.....	180 00
	192 90
Total amount to be paid.....	\$192 90

A monthly pension, commencing September 13th, 1862, and ending January 28th, 1863, should be reckoned by the months to January 13th, 1863, and then by days to January 28th, 1863, both inclusive, making 4 months and 16 days. To find the amount for 16 days, multiply it by the rate of pension, and divide the product by the number of days in the month of January (31).

It will be observed that when a pension, having a monthly rate, is to be paid from the commencement to a regular semi-annual date, the time will first be reckoned to, but not including, the 4th day of the month succeeding the commencement, to obtain the number of days less than a month ; then from that date to the one to be paid to will give the number of full months.

Pensions with an annual rate are not calculated by the month, but by days, when for a less period than a regular semi-annual payment, because the semi-annual periods are unequal, there being 184 days from March 4th to September 4th, and 181 days (leap year 182) from September 4th to March 4th. If a pension at the rate of \$100 per annum is to be paid from March 4th to July 18th, 1862, the number of days, both dates inclusive, will be found thus : in March there are 28 days, in April 30 days, in May 31 days, in June 30 days, and in July 18 days—total, 137 days. Multiply the number of days (137) by the amount of a semi-annual payment (\$50), and divide the product by the number of days in the semi-annual period of which the 137 days

form a part, viz., 184 days, and the quotient will be \$37.23, and the amount to be paid.

A pension commencing October 20th, 1861, at the rate of \$60 per annum, is claimed to September 4th, 1862. The amount that accrues to the first pay day, viz., March 4th, 1862, must be ascertained first, thus : in October there are 12 days, in November 30 days, in December 31 days, in January 31 days, in February 28 days (leap year 29 days), and in March 3 days, excluding the 4th day, making a total of 135 days, which is multiplied by the amount of a semi-annual payment, viz., \$30, and the product divided by the number of days in the semi-annual period of which the 135 days form a part, viz., 181 days. The quotient will be \$22.37. The statement is thus :

From October 20, 1861, to March 4, 1862, 135 days, amounting to . . .	\$22 37
From March 4, 1862, to September 4, 1862, 6 months, amounting to . .	30 00
Total amount to be paid	<u>\$52 37</u>

An annual pension commencing April 10th, and ending August 10th, should not be computed by the month, but by the number of days in the period, both dates inclusive, viz., 123 days, which, when multiplied by the amount of a semi-annual payment, and the product divided by the number of days in the semi-annual period of which it forms a part, viz., 184 days, the quotient will be the amount to be paid.

The foregoing exemplifications are presumed to be sufficient to enable any one to apply the principle. Whilst great care should be used at all times to arrive at correct results, the present makes it more necessary, from the fact that large numbers of highest rates of pensions are being placed on the roll, and it is in paying them that differences are conspicuous in computations. The object should be to avoid complaints of short payments, and trouble with vouchers and accounts by overpayments.

FORMS USED IN DRAWING PENSIONS.

ARMY PENSIONS.


A. Deposition of invalid, with power of attorney. For pension certificates dated since October 11th, 1859.

A. Same as preceding, without power of attorney. For those who draw their own pensions.

B. Deposition of invalid, with power of attorney. For pensions that have been increased.

B. Same as preceding, without power of attorney. For those who draw their own pensions.

C. Deposition of invalid, with power of attorney. For pension certificates dated before October 11th, 1859.

 The form A can be used in place of C, by neatly drawing lines over the printed clause in copy of pension certificate commencing "No sale, transfer, &c."

D. Deposition of invalid, with power of attorney, but has no part of pension certificate printed therein.

E. Deposition of widow of revolutionary soldier, with power of attorney, under acts February 2d and July 29th, 1848, and second section February 3d, 1853.

F. Deposition of a widow or mother under any act, with power of attorney, but no part of pension certificate printed therein.

G. Deposition of widow, with power of attorney, under first section act July 4th, 1836, July 21st, 1848, and first section February 3d, 1853.

H. Deposition of a widow or mother, with power of attorney, under acts June 3d, 1858, and July 14th, 1862.

H. Same as preceding, but no power of attorney. For those who draw their own pensions.

I. Deposition of guardian, with power of attorney; deposition of two witnesses that ward is living; certificate of clerk of court as to who is acting guardian; under first section July 4th, 1836, and July 21st, 1848.

J. Same as preceding, for child or sister, under first sec-

tion February 3d, 1853, June 3d, 1858, and July 14th, 1862.

K. Same as preceding, for children and sisters, under first section February 3d, 1853, June 3d, 1858, and July 14th, 1862.

L. Additional evidence of identity as a pensioner.

M. Certificate of clerk of court as to who is acting guardian, being on forms I, J, K, T, and Y, will be rarely wanted.

N. Separate certificate of clerk of court as to the official signature and character of a magistrate.

O. Deposition, with power of attorney, for a widow, children, or administrator of a deceased pensioner under any act, and certificate of clerk of court as to death of pensioner. For drawing arrears.

P. Receipts for the payment of a pension—supplied in sheets or bound in a book.

Q. Letter to Pension Office, with date to which a pension was last paid in cases to be transferred.

R. Surgeon's certificate of biennial examination.

S. Deposition of a pensioner under any act, but no power of attorney, and certificate of magistrate that a pension certificate is illegally withheld. When a power of attorney is wanted, it must be stated if for an invalid, widow, mother, or guardian.

T. Same as I, J, and K, but no part of pension certificate is printed therein, and can be used by guardians of minors or adults under any act.

NAVY PENSIONS.

W. Deposition of invalid. When a power of attorney is wanted, it should be stated, and is the same as the one on forms A, B, C, and D.

X. Deposition of widow or mother. When a power of attorney is wanted, it should be stated, and is the same as the one on forms E, F, G, and H.

Y. Deposition of guardian ; deposition of two witnesses that a ward is living ; certificate of clerk of court as to who is acting guardian. When power of attorney is wanted, it should be stated, and is the same as on forms I, J, K, and T.

ALSO,

Form for making application for transfer from one agency to another.

Form for making application for duplicate pension certificate.

Form for oath of allegiance.

CHAPTER X.

ATTORNEYS AND CLAIM AGENTS.

THE policy of the Executive Departments is, and has been, to discourage as far as possible the employment by claimants of attorneys to prosecute their claims. This policy might be defended, were the Departments to carry it fully out, and make the process of collection so simple and easy as to enable claimants of all classes to collect their claims themselves. It is, however, indefensible, because it is purely impossible for three fourths of the number of claimants to make out their own applications, much less prepare the proof necessary to sustain them. To require legal proof of certain facts is to necessitate the employment of a legal mind to prepare it; therefore, to say you must furnish legal proof, but you must not employ a lawyer to draw the papers, is to announce a proposition absurd on its face.

The reader who will take the trouble carefully to read this work, will perceive that there are numerous questions, arising out of the subjects treated herein, which absolutely require that the person preparing the claim should be acquainted, not only with the rules of the Department to which the application is addressed, but also with the principles of legal science and the rules of evidence. While it is quite possible for a person possessed of intelligence, who is not a lawyer, to prepare a large number of the cases treated of in this book, it is none the less true that the larger,

and by much the larger number of claimants, do not possess that amount of intelligence which would enable them to do so. There exists, therefore, a necessity for the employment of attorneys. It is perhaps true that in former times disreputable persons have swindled claimants while acting as their attorneys; but all classes and professions have in them individuals of bad character, and it is desirable that this branch of business should be rescued from the hands of those persons who would abuse the confidence placed in them.

In the country this class of practice goes into the hands of the general practitioner, but in the large cities the business of prosecuting claims is made a specialty. It is a matter of great congratulation that in the past two years many reputable and respectable lawyers have devoted themselves to this branch.

The act of Congress of July 17th, 1862,* provides that all persons acting as attorneys or claim agents shall subscribe and swear to the oath of allegiance, of which this is a copy:

FORM No. 49.

Oath.

I, Robert Sewell, of New York, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United

* Thirty-seventh Congress, session 2d, chap. 205.

States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion. So help me God.

ROBERT SEWELL.

Sworn to before me, in the city of New York, on this 20th day of October, 1862.

[L. s.]

WM. L. TAYLOR,
Notary Public.

The Commissioner of Pensions will furnish printed forms of this oath. After it has been sworn to and signed by an officer authorized to administer oaths, the certificate of the county clerk that the officer is so authorized, and that his signature is genuine, ought to be annexed; and the oath, thus completed, returned to the Commissioner of Pensions, to be filed in his office.

By the act of Congress approved July 1st, 1862,* called the Internal Revenue Law, claim agents are required to take out a license. It has been decided that lawyers, although they have taken out a license as such, must also take out one as claim agents, if they present claims for settlement. The license for claim agents is ten dollars per annum; it should be filed with the Second Auditor of the Treasury, who, in future, will receive no claim from an attorney who has not filed a license or certified copy thereof.

The fees to be charged by persons prosecuting claims, were attempted to be regulated by the act of July 14th, 1862,† entitled "An Act to grant Pensions." The following are the provisions of that law on the subject:

"SEC. 6. *And be it further enacted*, That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowances before the Pension Office under this act, shall not exceed the following rates: For

* Thirty-seventh Congress, session 2d, chap. 119.

† Id., chap. 166.

making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, forwarding the same to the Pension Office, with the requisite correspondence, five dollars. In cases wherein additional testimony is required by the Commissioner of Pensions, for each affidavit so required and executed and forwarded (except the affidavits of surgeons, for which such agents and attorneys shall not be entitled to any fees), one dollar and fifty cents.

“SEC. 7. *And be it further enacted*, That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract or agree to prosecute any claim for a pension, bounty, or other allowance under this act, on the condition that he shall receive a per centum upon, or any portion of the amount of such claim, or who shall wrongfully withhold from a pensioner or other claimant the whole or any part of the pension or claim allowed and due to such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and aggravations of the offence.”

This is one of the most extraordinary pieces of legislation extant, and admirably illustrates the spirit in which attorneys prosecuting claims are treated by Congress and the Departments. For Congress to prescribe the rates at which the labor of an attorney is to be compensated would seem to be ridiculous enough, but to make the violation of such a rule a highly penal offence, punishable by fine and imprisonment with hard labor, or both, caps the climax of absurdity. The astute author of this bill seems to have had his own peculiar notions respecting the Constitution, and to have considered that Congress could pass any law it pleased, without any reference to that celebrated instrument. The

intention of the framer of the bill was undoubtedly to include all claims, whether for bounty, pension, or other allowances, but he overreached the mark. The law provides only for claims "before the Pension Office, under this act;" therefore the regulation as to fees does not extend to any other class of claims than those presented under that act in the Pension Office.

The fee of five dollars may be said to be an adequate payment for drawing a pension declaration, but when proof is to be included, it is not. The law therefore, in many instances, prevents respectable attorneys from having anything to do with the business, for the very simple and easily understood reason, that the rates allowed are not an adequate compensation for the labor to be performed. The business is thus thrown into less scrupulous hands, persons who probably do not confine themselves to the legal rates, or else get compensation in some other way. The law is also defective in this, that it offers inducements to agents to make the claim imperfect in the first place, because in cases where additional evidence is called for, they are allowed additional fees, but they are allowed no fees for the same evidence if made out correctly at first, and submitted with the claim.

The enactment, it is thus seen, has altogether failed in its purpose to protect claimants, and all such laws must so fail. There never was a law of the kind yet that a knave could not evade, and there probably never will be. The proper mode to remedy the evil would be to provide for admission to practise before the Departments, and to recognize fully attorneys so admitted, receiving claims from no others. These admitted attorneys would then always be under the control of the Departments, and could be punished for malpractices by suspension or expulsion. Some such measure as this is demanded by the growing importance, both as to number and magnitude, of claims on the Government.

Attorneys must file in each case the authority under

which they act. The Pension Office requires a power of attorney signed by the claimant before two witnesses, and acknowledged before a proper officer. It will be seen that the forms of declarations given in this book contain a clause giving power to an attorney to collect, which complies with the Pension Office rule. There is no provision as to fees of attorneys for the collection of arrears of pay and bounty. The matter being left to the parties to settle by private contract, each attorney must settle for himself the proper remuneration which he is willing to receive for the time and trouble expended in each case.

The delays experienced in the prosecution of claims are a fruitful source of annoyance and disappointment to claimants. As at present constituted, the office of the Second Auditor of the Treasury takes an average time of twelve months to reach a claim. It is hoped that some new plan will soon be devised by which the accounts of deceased soldiers will be settled more promptly, but while the present system lasts the delay is inevitable. In the Pension Office claims are reached in less time; but even there, there is always necessarily a delay of some months, after a claim is filed, before it can be acted upon. Attorneys ought therefore, in the first instance, to inform their clients of these facts, and thus prepare them for a delay which seems to them to be vexatious and unreasonable. Some persons professing to be claim agents make a practice of promising to get the claim through within so many weeks, in order to secure it, a practice which is very reprehensible.

Attorneys' offices are constantly being visited by discharged soldiers of every class, who all imagine that their discharge is a merchantable commodity, like a bond or a bill, entitling the holder to so much money, and which they offer to sell. It is hardly necessary to say here that a discharge is without any value whatever to any person but the owner, and that a man selling his discharge gives to the purchaser no title to any bounty that may be due to him. The boun-

ty is due to the person who performed the service, not to the holder of the discharge; and the bounty is not assignable until the warrant is drawn in payment of it.*

Attorneys will act wisely who refrain from advancing money to clients on any claims. I am satisfied that the practice is a bad one, and that an attorney cannot properly engage in it. Besides these considerations, it is very unsafe; there is absolutely no legal security for advances. Clients who have received money on a claim get to thinking that their interests are adverse to the interest of the attorney. The only safe plan is to avoid all such transactions, and confine yourself to the strict duty of prosecuting the claim.

Attorneys † who are notaries or other officers cannot take evidence or acknowledgments in cases wherein they are interested as attorneys, and this rule is manifestly proper, and is observed in all the Departments.

Where claimants make out their own papers, it is to be expected that a large percentage of errors will be committed, but where there is an attorney employed, who professes to transact such business, absolute correctness is expected of him. An attorney who habitually prepares his cases with care, and presents his proof clearly and sufficiently, must, of necessity, have an advantage over persons who are deficient in these particulars, and numbers of such will materially alter the tone of the Departments concerning them as a class.

* See acts approved July 29th, 1846, and February 26th, 1853.

† Attorneys who are in the habit of forwarding a large number of claims, proven before the same magistrate or notary, will save time, trouble, and expense by filing in the Department to which such claims are forwarded, a certificate of the Secretary of State, or other proper officer, of the official character of such magistrate or notary, together with his official signature. This course will obviate the necessity of a separate authentication of such magistrate's or notary's signature. The attorney should, in such cases, write under the signature of the magistrate, "Proof of official character of this justice of the peace (or notary) on file in the office of the Second Auditor of the Treasury (or in the Pension Office)."

CHAPTER XI.

SUTLERS.

THE third section of an act approved December 24th, 1861, repealed the portion of the act of June 12th, 1858, giving sutlers a lien on soldiers' pay, and abrogated all regulations giving sutlers rights and privileges beyond the rules and articles of war.

This hasty legislation was caused by the great abuses which had been allowed among sutlers, in the newly organized volunteer regiments. These abuses could probably have been remedied under existing laws and regulations, but as the officers of the new regiments were generally unacquainted with their duties, and often interested with the sutler either as partners or creditors, the whole system was abolished in preference to any attempt at amendment.

It was soon found, however, that sutlers were necessary for the comfort of officers and men. On the 19th March, 1862, an act entitled "An Act to Provide for the Appointment of Sutlers in the Volunteer Service, and to define their Duties," was passed and approved.

By this act it was provided that the inspector-generals of the army should constitute a board of officers, whose duty it should be to prepare, immediately after the passage of the act, a list or schedule of articles, named in the act, which may be sold to officers and soldiers of the volunteer service, the list to be subject to revision and change as, in

the judgment of the board, the good of the service might require. No intoxicating liquors are to be included in the list, and a copy of the list, and of the act, were to be sent to each brigade and each regiment not attached to a brigade in the volunteer service.

The second section provides that on the receipt of this list, the acting brigadier-general, surgeon, quartermaster, and commissary of each brigade shall constitute a brigade board of officers, whose duty it shall be to affix a price to each article in the list. This list is then to be reported to the commanding general of the division, and by him approved or amended, and reported to the board of inspector-generals, and, if not disapproved by them, the prices on such list shall be the prices to be charged by the sutlers to the officers and men of such brigade. Where a regiment is not attached to a brigade, the acting colonel, lieutenant-colonel, major, and captains are to form the board and affix the prices, and report the same directly to the inspector-generals. These prices may be changed by the board from time to time; not oftener, however, than once in thirty days, and the changes are to be duly reported as before provided.

By the third section of the act, the commanding officer of each brigade or unattached regiment is ordered to command a sutler for each regiment to be selected by the commissioned officers of such regiment, and to report his name to the adjutant-general of the army. Any vacancy in the office of sutler to be filled in the same manner. The sutlers so chosen to be the sole sutlers of such regiments.

Section four provides that the sutler shall have a lien on the pay of officers and men to the extent of one sixth their monthly pay, and that goods sold within that amount may be charged on the pay roll against such officers and men, and the amount so charged and certified shall be deducted by the paymaster from the pay of such officers and men, and by him paid to the sutler. It is also provided that any paymaster paying to a sutler a greater sum than one sixth

of the pay, shall be charged with such surplus, and the amount deducted from his pay, and returned to the officer or soldier from whom it was illegally stopped.

The same section makes it an offence punishable by court martial for any commanding officer of a company to certify on any pay roll a claim of a sutler for any greater sum than one sixth the monthly pay of any officer or man.

This section also provides that a sutler shall have no legal claim against any officer or man for articles sold during a month to a larger amount than one sixth his pay.

It is made the duty of the sutler to post in a conspicuous place in the tent or building where he makes his sales, a list of articles which he is authorized to sell, with the prices attached, and also a copy of the act of Congress.

The fifth section provides for the inspection, by a person appointed by the inspector-generals, of the place of sales of each sutler, at least once in fifteen days, who shall duly report such inspection.

The sixth section provides that no person shall be permitted to act as sutler unless appointed according to the provisions of the act. That no sutler shall farm out or underlet the business, and that there shall be but one sutler to each regiment. It also prohibits selling on credit to an enlisted man to a greater amount than one fourth his monthly pay, and the use of quartermasters' wagons by sutlers.

The same section prohibits officers from being interested in any way in the stock, trade, or business of a sutler. And provides that officers shall not receive from sutlers money or other presents. An infringement of this rule is made punishable at the discretion of a court martial.

Section seven provides that any sutler who shall violate any of the provisions of this act shall be dismissed the service by the colonel, with the consent of the council of administration, and that such sutler, so dismissed, shall be ineligible to a reappointment as sutler in the service of the United States.

By the Articles of War, sutlers are not allowed to sell liquor, or keep their places open after nine at night, or before reveille in the morning, or on Sundays during divine service, on pain of dismissal.*

They are also obliged to keep wholesome provisions of the kinds allowed to be sold, and it is made the duty of commanding officers to see that they do so.†

Sutlers are not subject to pay State license on sales made by them to the officers and men of their regiments, nor any State tax on any goods kept by them at any military post for that purpose. If, however, they enter into a general trade with others than such officers and men, they are liable to State taxation.‡

Commanding officers are forbidden to charge sutlers exorbitant rents, or to levy any tax, contribution, or toll on them.§

Sutlers are subject to orders, according to the rules and discipline of war.¶

Sutlers must take out license under the Internal Revenue Act.

* Article 29 of War.

† Article 30 of War

‡ See 7 Opin. of Att'y-General, 578.

§ Article 31 of War.

¶ Id., 60.

CHAPTER XII.

PENSION SURGEONS.

THE following named physicians and surgeons have been duly appointed, in accordance with the provisions of the eighth section of "An Act Granting Pensions," approved July 14th, 1862, to make the biennial examinations of invalid pensioners, and to examine applicants for invalid pensions, on special requirement from this office.

JOS. H. BARRETT, Com'r.

[THE FOLLOWING LIST INCLUDES ALL APPOINTMENTS TO DECEMBER 22d, 1863.]

MAINE.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
Androscoggin	Alonzo Garcelon	Lewiston.
Aroostook	Edward N. Mayo	Houlton.
Cumberland	T. S. Foster	Brunswick.
do	William C. Robinson	Portland.
do	Nathaniel Pease	Bridgeton.
Franklin	John N. Houghton	Phillips.
do	Edmund Russell	Farmington.
Hancock	P. H. Harding	Ellsworth.
Kennebec	James B. Bell	Augusta.
do	Stephen Whitmore	Gardiner.
Knox	Charles N. Germaine	Rockland.
do	John E. Walker	Union.
Lincoln	Alden Blossom	Boothbay.
Oxford	William A. Rust	South Paris.
Penobscot	James C. Weston	Bangor.
do	Ralph K. Jones	do.
do	Moses S. Wilson	Lincoln.
Piscataquis	Benjamin Johnson	Dover.
Sagadahoc	Israel Putnam	Bath.
Somerset	John Robbins, jr.	Norridgewock.
Waldo	John G. Brooks	Belfast.
Washington	Samuel B. Hunter	Cherryfield.
do	L. P. Babb	Eastport.
do	A. G. Peabody	Machias.
do	Charles E. Swan	Calais.
York	Theodore H. Jewett	South Berwick.
do	John L. Allen	Saco.

PENSION SURGEONS.

NEW HAMPSHIRE.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
Belknap	David B. Nelson	Gilford.
Carroll	Jeremiah R. Smith	Wolfborough.
do.....	William H. Grant	Tamworth.
do.....	Ebenezer Wilkinson	do.
Cheshire	George Walton Pierce	Winchester.
do.....	O. H. Bradley	Jaffrey.
do.....	Thomas J. Kittredge	Keene.
Cocos	Jacob E. Stickney	Lancaster.
Grafton	Ira S. Chase	Bristol.
do.....	Phineas Spalding	Haverhill.
do.....	John Clough	Lebanon.
do.....	Charles H. Boynton	Lisbon.
Hillsboro'	Francis P. Fitch	Amherst.
do.....	R. B. Carswell	East Weare.
do.....	William D. Buck	Manchester.
do.....	Edward Spalding	Nashua.
do.....	Albert Smith	Peterborough.
do.....	John H. Cutler	Mason Village.
Merrimas	Benjamin S. Warren	Concord.
do.....	R. P. J. Tenny	Pittsfield.
Rockingham	William G. Perry	Exeter.
do.....	William Laighton	Portsmouth.
do.....	William Perry	Exeter.
do.....	Abner B. Bennett	Portsmouth.
Strafford	James H. Wheeler	Dover.
Sullivan	Samuel G. Jarvis	Claremont.

VERMONT.

Addison	Marcus O. Porter	Middlebury.
do.....	Erasmus D. Warner	New Haven Mills.
do.....	Nathan Gale	Orwell.
Bennington	Martin J. Love	Bennington.
do.....	George L. Ames	Manchester.
Caledonia	Selim Newell	St. Johnsbury.
do.....	Charles S. Cahoon	Lyndon.
Chittenden	Hiram H. Atwater	Burlington.
Franklin	Oscar F. Fassett	East Berkshire.
do.....	H. F. Stevens	St. Albans.
Lamoille	Horace Powers	Morrisville.
Orange	Edward F. Upham	West Randolph.
do.....	A. H. Crosby	Wells River.
do.....	Norman W. Braley	Chelsea.
Orleans	Jonathan F. Skinner	Barton.
do.....	J. W. Huntton	Derby Line.
Rutland	Cyrus Porter	Rutland.
Washington	C. M. Rublee	Montpelier.
Windham	Samuel Nichols	Bellows Falls.
do.....	George F. Gale	Battleboro'

VERMONT.—CONTINUED.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
Windsor	D. W. Hazleton.....	Cavendish.
do.....	Shubael Converse	Norwich.
do.....	William McCollom.....	Woodstock.
do.....	James P. Osborne.....	Felchville.
do.....	Samuel P. Danforth	Royalton.

MASSACHUSETTS.

Berkshire	Eliphalet Wright.....	Lee.
do.....	George C. Lawrence.....	North Adams.
do.....	Oliver S. Root	Pittsfield.
do.....	Horace D. Train	Sheffield.
Bristol.....	Foster Hooper.....	Fall River.
do.....	John H. Mackie	New Bedford.
do.....	Henry B. Hubbard	Taunton.
Dukes	John Pierce.....	Edgartown.
Essex	W. H. Burleigh.....	Lawrence.
do.....	Henry C. Perkins	Newburyport.
do.....	David Choate.....	Salem.
do.....	Kendall Flint.....	Haverhill.
Franklin	Charles L. Fisk, jr.....	Greenfield.
do.....	Adam C. Deane.....	do.
do.....	Edward Barton.....	Orange.
do.....	Cyrus Temple	Heath.
Hampden	Peter L. B. Stickney.....	Chicopee.
do.....	Alfred Lambert.....	Springfield.
Hampshire	Samuel A. Fisk.....	Northampton.
do.....	Ebenezer C. Richardson.....	Ware.
Middlesex.....	Amos B. Bancroft.....	Charlestown.
do.....	Nathan Allen.....	Lowell.
do.....	Samuel Richardson.....	Watertown.
do.....	Alonzo Chapin.....	Winchester.
do.....	J. Q. A. McCollister.....	Groton Junction.
Norfolk.....	Alexander L. B. Monroe.....	Medway.
Plymouth	Alexander Jackson.....	Plymouth.
do.....	James M. Underwood.....	Abington.
Suffolk	George Stevens Jones.....	Boston.
do.....	S. L. Sprague.....	do.
do.....	John W. Graves.....	Chelsea.
Worcester	Charles W. Whitcomb.....	Barre.
do.....	Alfred Miller.....	Fitchburg.
do.....	Joshua Porter.....	North Brookfield.
do.....	Oramel Martin.....	Worcester.
do.....	E. G. Burnett.....	Webster.
do.....	George M. Morse.....	Clinton.
do.....	John G. Metcalf.....	Mendon.
do.....	Henry Clarke.....	Worcester.
do.....	George Jewett.....	Fitchburg.

RHODE ISLAND.

COUNTIES.	NAMES.	POST-OFFICE ADDRESSES.
Newport	Theodore C. Dunn	Newport.
Providence	Charles G. McKnight	Providence.

CONNECTICUT.

Fairfield	E. R. Bardin	Danbury.
do.....	A. L. Williams	Brookfield.
do.....	David H. Nash	Bridgeport.
Hartford	Pinckney W. Ellsworth.....	Hartford.
do.....	Rial Strickland	Enfield.
do.....	B. N. Comings	New Britain.
Litchfield	James Welch	West Winsted.
Middlesex	Miner C. Hazen	Haddam.
do.....	Rufus Baker	Middletown.
New Haven.....	Henry Pierpont	New Haven.
New London.....	Robert McCurdy Lord	New London.
do.....	Ralph Farnsworth.....	Norwich.
Tolland	John B. Lewis.....	Rockville.

NEW YORK.

Albany	Sylvester D. Willard.....	Albany.
Allegany.....	William S. Cottrell	Whitesville.
do.....	E. M. Alba	Angelica.
Broome	John G. Orton	Binghamton.
do.....	Oliver T. Bundy	Deposit.
Cattaraugus	Charles S. Hurlbut	Olean.
do.....	Thomas J. Williams.....	Ellicottville.
Cayuga	Edward Hall	Auburn.
Chautauqua	H. M. T. Smith	Dunkirk.
do.....	G. W. Hazeltine.....	Jamestown.
Chemung	John K. Stanchfield.....	Elmira.
Chenango	Blinn S. Sill	Bainbridge.
do.....	Augustus Willard	Greene.
do.....	Thomas J. Bailey	Norwich.
Clinton	William N. Coit	Champlain.
do.....	Benjamin J. Mooers	Plattsburg.
Columbia	Abijah P. Cook	Cortland.
Cortland	Franklin Goodyear.....	Hudson Villaga.
Delaware.....	H. N. Buckley	Delhi.
Duchess	Alfred Hasbrouck.....	Poughkeepsie.
Erie	Horatio N. Loomis.....	Buffalo.
do.....	J. E. King	do.
Essex.....	George B. Page	Crown Point.
do.....	William H. Richardson.....	Westport.
Franklin	Theodore Gay.....	Malone.
Fulton	Langdon J. Marvin	Northampton.
do.....	William H. Johnson.....	Johnstown.

PENSION SURGEONS.

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NEW YORK—CONTINUED.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
Fulton	Marcus T. Peake	Gloversville.
Greene	Christopher V. Barnett	Windham Centre.
do.	James Jewell	Catskill.
Genesee	John Root	Batavia.
Herkimer	Abram Haun	Little Falls.
Jefferson	Edward S. Lansing	Watertown.
Kings	J. C. Hutchison	Brooklyn.
do.	Charles Rowland	do.
Lewis	Alexander R. Gebbie	Lowville.
Livingston	Loren J. Ames	Mt. Morris
do.	William B. Alley	Nunda.
do.	Samuel L. Endress	Dansville.
Madison	Augustus L. Saunders	Brookfield.
do.	Ira Spencer	De Ruyter
do.	P. B. Havens	Hamilton.
do.	V. W. Mason	Canastota.
do.	Edward Loomis	Oneida.
Monroe	Harvey F. Montgomery	Rochester.
Montgomery	Morgan Snyder	Fort Plain.
New York	George F. Woodward	New York city.
do.	William M. Chamberlain	New York city.
do.	James Neil	Harlem, N. Y. city.
do.	William H. Thomson	New York city.
Niagara	J. H. Helmer	Lockport.
Oneida	E. A. Munger	Waterville.
do.	Delos A. Crane	Holland Patent.
do.	Samuel O. Scudder	Rome.
do.	Horace B. Day	Utica.
do.	C. B. Coventry	do.
do.	Robert Frazier	Camden.
Onondaga	John F. Trowbridge	Syracuse.
Ontario	Hazard A. Potter	Geneva.
do.	John B. Chapin	Canandaigua.
Orange	William P. Townsend	Goshen.
do.	D. W. Cooper	Port Jervis.
Orleans	William Noble	Albion.
Oswego	C. C. P. Clark	Oswego.
do.	Andrew Van Dyck	do.
Otsego	Horace Lathrop	Cooperstown.
do.	G. L. Halsey	Unadilla.
Putnam	Addison Ely	Carmel.
Queens	Joseph H. Vedder, jr.	Flushing.
Rensselaer	William S. Searle	Troy.
Richmond	Abram S. Burdett	Tompkinsville.
Saratoga	John L. Perry	Saratoga Springs.
Schenectady	Livingston Ellwood	Schenectady.
Schoharie	Jacob Dockstader	Sharon Springs.
Seneca	Rufus C. Dunham	Seneca Falls.
Steuben	Alexis H. Cruttenden	Bath.
do.	Francis B. Wagener	Addison.
do.	Joshua B. Graves	Corning.

NEW YORK—CONTINUED.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
St. Lawrence.....	H. C. Austin	Canton.
do.....	B. F. Sherman.....	Ogdensburg.
do.....	G. F. Cole	Potsdam.
do.....	Alvan Ames	Canton.
do.....	Samuel Walt.....	Gouverneur.
Suffolk	Richard H. Benjamin.....	Riverhead, L. I.
Tioga.....	Lucius H. Allen.....	Owego.
Tompkins.....	David C. White.....	Ithaca.
do.....	Henry B. Chase.....	do.
Ulster	Thomas S. Dawes.....	Saugerties.
do.....	Abijah Otis	Ellenville.
Washington	William H. Miller.....	Sandy Hill.
do.....	C. O. T. Gilman.....	Salem.
do.....	D. B. Dewey	Whitehall.
Warren.....	M. A. Cushing	Glenn's Falls.
Wayne	Nelson Peck	Lyons.
Wyoming	Charles A. Dake.....	Warsaw.
Westchester	George B. Upham.....	Yonkers.
do.....	Philander Stewart.....	Peekskill.
do.....	George J. Fisher.....	Sing Sing.

NEW JERSEY.

Burlington.....	Zachariah Read	Mount Holly.
Camden.....	Lorenzo F. Fiesler.....	Camden.
Cumberland.....	Ephraim Holmes.....	Greenwich.
Essex	J. Henry Clark.....	Newark.
do.....	Lyndon A. Smith.....	do.
Gloucester	C. F. Clark.....	Woodbury.
Hudson	Silas L. Condict.....	Jersey City.
Mercer	Charles Hodge, jr.....	Trenton.
Middlesex	Azariah D. Newell.....	New Brunswick.
Morris	G. A. Quimby.....	Morristown.
Salem.....	Quinton Gibbon.....	Salem.
Sussex.....	John R. Stuart.....	Newton.
Union.....	E. B. Silvers.....	Rahway.
Warren.....	Philip Brakeley.....	Belvidera.

DELAWARE.

Kent	Isaac Jump.....	Dover.
New Castle.....	James F. Wilson.....	Wilmington.

PENNSYLVANIA.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
Adams	Henry S. Huber	Gettysburg.
Allegheny	William M. Herron	Allegheny City.
do.	George McCook	Pittsburg.
Armstrong	J. E. Stevenson	Kittanning.
Bedford	W. H. Watson	Bedford.
do.	William J. Mullen	Schellsburg.
Berks	D. Llewellyn Beaver	Reading.
Blair	Crawford Irvin	Holidaysburg.
Bradford	Charles M. Turner	Towanda.
Bucks	Samuel Lovett	Attleborough.
Butler	Abraham M. Neyman	Butler.
Cambria	John Lowman	Johnstown.
Cameron	B. S. Gould	Shippen.
Centre	E. Green	Bellefonte.
Chester	William S. Malany	Westchester.
Clarion	James Ross	Clarion.
Clearfield	M. Woods	Clearfield.
Crawford	Wilburn Whitley	Conneautville.
do.	J. T. Ray	Meadville.
Cumberland	Alexander Stewart	Shippensburg.
Dauphin	Samuel T. Charlton	Harrisburg.
Delaware	Manley Emanuel	Linwood Station.
Erie	Peter Falkner	Erie.
do.	David E. Belknap	Girard.
Fayette	Hugh Campbell	Uniontown.
Franklin	J. L. Suesserott	Chambersburg.
Greene	W. D. Rogers	Jefferson.
Huntingdon	C. W. Moore	Coalmont.
do.	J. S. Griffith	Huntingdon.
Indiana	Martin L. Miller	Blairsville.
Jefferson	W. J. McKnight	Brookville.
Juniata	P. C. Rundis	Patterson.
Lancaster	Peter S. Clinger	Conestoga.
Lawrence	Robert D. Wallace	Newcastle.
Lebanon	W. M. Guilford	Lebanon.
do.	George P. Lineweaver	do.
Lehigh	William J. Romig	Allentown.
Luzerne	Charles Marr	Scranton.
do.	Horace P. Moody	Wilkesbarre.
Lycoming	John S. Crawford	Williamsport.
Mercer	C. Byles	Delaware Grove.
Mifflin	David D. Mahon	Newton Hamilton.
Monroe	A. R. Jackson	Stroudsburg.
Montgomery	William Carson	Morristown.
Northampton	Edward Swift	Easton.
Philadelphia	Benjamin R. Mears	Germantown.
do.	J. K. Lee	Philadelphia West.
do.	Wilson Jewell	420 North 6th st., Philadelphia.
do.	James Cummiskey	681 Spruce st., Phil- adelphia.

PENSION SURGEONS.

PENNSYLVANIA—CONTINUED.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
Philadelphia	Joseph H. Gallagher.....	420 West Logan sq., Philadelphia.
do.....	L. S. Filbert.....	1822 Green street, Philadelphia.
Perry	James Galbraith.....	Landisburg.
Schuylkill	J. G. Cochler.....	Schuylkill Haven.
Snyder	Peter R. Wagenseller.....	Selin Grove.
Somerset.....	Henry Brubaker.....	Somerset.
Susquehanna	Ezra Patrick.....	Montrose.
Tioga	Ira W. Bellows.....	Knoxville.
do.....	Nelson Packer.....	Wellsboro'.
Venango	J. M. Dill.....	Cooperstown.
Warren.....	D. V. Stranahan.....	Warren.
Washington.....	William H. King.....	Monongahela City.
do.....	John R. Wilson.....	Washington.
Wayne.....	William H. Reed.....	Honesdale.
Westmoreland	J. W. Blackburn.....	West Newton.
York	William S. Boland.....	York.

MARYLAND.

Alleghany.....	C. H. Ohr.....	Cumberland.
Baltimore.....	George W. Wayson.....	Baltimore.
do.....	Thomas Owings.....	do.
Dorchester.....	Thomas King Carroll.....	Cambridge.

WEST VIRGINIA.

Kanawha	James Putney.....	Kanawha Salina.
Mason	James H. Hooff.....	Point Pleasant.
Monongalia.....	James A. McLane.....	Morgantown.
Ohio.....	John C. Hupp.....	Wheeling.
do.....	William J. Bates.....	do.

EAST VIRGINIA.

Alexandria	J. L. Stewart.....	Alexandria.
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KENTUCKY.

Jefferson.....	Thomas W. Colescott.....	Louisville.
do.....	E. J. Vaughan.....	do.
Kenton	J. J. Temple.....	Covington.
Madison.....	R. C. Chenault.....	Richmond.
Nicholas.....	J. F. McMillan.....	Carlisle.
Pendleton.....	James H. Barbour.....	Falmouth.

OHIO.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
Allen	William H. Harper	Lima.
Ashland	P. Henry Clark	Ashland.
Athens	William Blackstone	Athens.
Auglaize	W. G. Kiahler	St. Mary's.
Belmont	Alexander Hewetson	St. Clairsville.
Brown	Thomas W. Gordon	Georgetown.
Butler	F. D. Morris	Hamilton.
Carroll	Samuel M. Stockton	Carrollton.
Champaign	Joseph S. Carter	Urbana.
Clark	Robert Rodgers	Springfield.
Clermont	H. McCasky	Batavia.
Clinton	A. T. Davis	Wilmington.
Columbiana	James Robertson	Hanoverton.
do	D. S. Silver	Wallsville.
Coshocton	Enoch Sapp	Coshocton.
Crawford	George K. Thompson	Bucyrus.
Cuyahoga	C. C. E. Weber	Cleveland.
do	Chauncey D. Griswold	do.
Darke	Curtis Otwell	Greenville.
Defiance	I. N. Thacker	Defiance.
Delaware	Matthias Gerhard	Delaware.
Erie	A. H. Agard	Sandusky.
Fairfield	Philip M. Wagenhals	Lancaster.
Franklin	Samuel M. Smith	Columbus.
Fulton	William Ramsey	Delta.
Geauga	Lorenzo A. Hamilton	Chariton.
Green	Leigh McClung	Xenia.
Guernsey	Jared Dunbar	Cambridge.
do	Henry M. Carver	Fairview.
Hamilton	James H. Oliver	Cincinnati.
do	Edward Mead	do.
Hancock	William P. Wilson	Finley.
Hardin	P. H. Loring	Kenton.
Henry	William Crawford	Napoleon.
do	J. M. Shoemaker	do.
Holmes	Thomas McEbright	Millersburg.
Huron	James B. Ford	Norwalk.
Jefferson	William D. McGregor	Steubenville.
Knox	B. W. Pumphrey	Mount Vernon.
Licking	L. F. Ballou	Newark.
Logan	William D. Scarff	Bellefontaine.
Loraine	J. Strong, jr.	Elyria.
do	Alexander Steele	Oberlin.
Lucas	S. S. Thorn	Toledo.
Madison	William A. Strain	London.
Mahoning	Eli Mygatt	Poland.
Marion	Robert L. Sweney	Marion.
Medina	J. N. Robinson	Medina.
do	Samuel Hudson	do.
Miami	Samuel S. Gray	Piqua.
do	R. J. Shackelford	Troy.

OHIO—CONTINUED.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
Montgomery.....	Adams Jewett.....	Dayton.
Morrow.....	A. S. Weatherby.....	Cardington.
Muskingum.....	C. C. Hildreth.....	Zanesville.
do.....	Thaddeus A. Beamy.....	do.
Noble.....	J. M. C. Moorhead.....	Caldwell.
Pickaway.....	Nelson E. Jones.....	Circleville.
Pike.....	Orlando J. Phelps.....	Piketon.
Portage.....	Charles S. Leonard.....	Ravenna.
Putnam.....	C. M. Godfrey.....	Ottawa.
Richland.....	William Loughridge.....	Mansfield.
Ross.....	William Waddle.....	Chillicothe.
Sandusky.....	Thomas Stilwell.....	Fremont.
Scioto.....	William J. McDowell.....	Portsmouth.
Seneca.....	E. W. Reeme.....	Tiffin.
Shelby.....	Henry S. Conklin.....	Sidney.
Stark.....	Lorenzo M. Whiting.....	Canton.
Summit.....	William Bowen.....	Akron.
Tuscarawas.....	William G. Smith.....	New Philadelphia.
do.....	John W. S. Goudy.....	New Comerstown.
Washington.....	George O. Hildreth.....	Marietta.
Wayne.....	Thomas Smurr.....	Wooster.
Williams.....	William C. Morrison.....	West Unity.
Wood.....	E. D. Peck.....	Perrysburg.
Wyandott.....	George W. Sampson.....	McCutcheonville.

INDIANA.

Allen.....	Benj. S. Woodworth.....	Fort Wayne.
Boone.....	Matthew H. Bonnel.....	Lebanon.
Clark.....	W. F. Collom.....	Jeffersonville.
Dearborn.....	Myron H. Harding.....	Lawrenceburg.
Decatur.....	John W. Moody.....	Greensburg.
De Kalb.....	Solomon Stough.....	Waterloo City.
Delaware.....	John C. Helm.....	Muncie.
Elkhart.....	David H. Henry.....	Elkhart.
do.....	M. M. Latta.....	Goshen.
Fayette.....	Samuel W. Vance.....	Connersville.
Floyd.....	William A. Clapp.....	New Albany.
Franklin.....	Rufus Haymond.....	Brookville.
Gibson.....	Wilmot Moore.....	Owensville.
Grant.....	Stephen D. Ayres.....	Marion.
do.....	Milton Jay.....	do.
Greene.....	James A. Mimick.....	Point Commerce.
Hamilton.....	Thomas T. Butler.....	Noblesville.
Hartson.....	John Slemmons.....	Corydon.
Hendricks.....	Wilson Lockhart.....	Danville.
Henry.....	George W. Riddel.....	Knightstown.
do.....	Isaac Mendenhall.....	Newcastle.
Huntington.....	F. S. C. Grayston.....	Huntington.

INDIANA—CONTINUED.

COUNTIES.	NAMES.	Post-office ADDRESS.
Jackson	Amos Frost	Seymour.
Jasper	James H. Loughridge	Rensselaer.
Jay	Manuel Reed	Jay.
Jefferson	Josiah G. Hendricks	Madison.
Jennings	James C. Burt	Vernon.
Knox	S. C. Whiting	Vincennes.
Kosciusko	Silas C. Sapp	Warsaw.
Lake	Harvey Pettibone	Crown Point.
Laporte	Luther Brusie	Laporte.
Madison	Townsend Ryan	Anderson.
Marion	George W. Mears	Indianapolis.
do	F. S. Newcomer	do.
do	George W. Clippinger	do.
Marshall	Nehemiah Sherman	Plymouth.
Miami	J. H. Constant	Peru.
Monroe	James F. Dodds	Bloomington.
Montgomery	Milton Herndon	Crawfordsville.
Morgan	B. D. Blackstone	Martinsville.
Noble	Leonard Barber	Kendallville.
do	Stansbury W. Lemmon	Albion.
Owen	Benjamin A. Allison	Spencer.
Parka	Samuel B. Bushnell	Rockville.
Perry	Thomas R. Austin	Cannelton.
Posey	Edwin V. Spencer	Mt. Vernon.
Putnam	Samuel Fisher	Greencastle.
Ripley	William T. S. Cornett	Versailles.
Rush	William A. Pugh	Rushville.
Steuben	Cornelius D. Rice	Angola.
St. Joseph	Daniel Dayton	South Bend.
Spencer	John W. Crooks	Rockport.
Switzerland	Edward S. Gale	Vevay.
Tippecanoe	Thomas Chesnut	Lafayette.
Vanderberg	B. J. Day	Evansville.
Vigo	J. C. Thompson	Terre Haute.
Wabash	J. Holloway	Wabash.
Warrick	W. L. Barker	Booneville.
Wayne	William Dickey	Centreville.
do	Elias Fisher	Richmond.

ILLINOIS.

Adams	Joseph Robbins	Quincy.
Bureau	Joseph Shugart	Princeton.
Carroll	John L. Hostetter	Mt. Carroll.
do	S. M. Ely	do.
Champaign	Winston Somers	Urbana.
Christian	E. V. Rockwell	Taylorville.
Clark	Fleming R. Payne	Marshall.
Clay	T. N. Bryan	Xenia.
Clinton	John McCabe	Carlyle.

ILLINOIS—CONTINUED.

COUNTIES.	NAMES.	POST-OFFICE ADDRESSES.
Cook	Isaiah P. Lynn	Chicago.
do.	R. L. Rea	do.
DeKalb	A. L. Merriam	Sandwich.
do.	Moses C. Kellogg	Genoa.
do.	Isaac W. Garvin	Sycamore.
Edgar	Levi L. Todd	Paris.
Gallatin	Joseph W. Redden	Shawneetown.
Green	James B. Samuel	Carrollton.
Grundy	Augustus F. Hand	Morris.
Hancock	Charles Hay	Warsaw.
Henry	George W. Foote	Kewanee.
Jefferson	E. E. Welborn	Mt. Vernon
Johnson	John H. Norris	Crimea.
Kane	O. D. Howell	Aurora.
Kankakee	Joseph H. Way	Kankakee.
Knox	Henry S. Hurd	Galesburg.
Lake	Benjamin S. Cory	Waukegan.
La Salle	Chester Hard	Ottawa.
Lee	Oliver Everett	Dixon.
McHenry	Harmon A. Buck	Marengo.
do.	Benjamin A. Wade	Woodstock.
McLean	Eli K. Crothers	Bloomington.
Macon	Ira B. Curtis	Decatur.
Macoupin	E. E. Webster	Carlinville.
Madison	John H. Wier	Edwardsville.
do.	A. B. McChesney	Alton.
Marion	John L. Hallam	Centralia.
Montgomery	A. S. Haskell	Hillsboro'.
Morgan	Henry Jones	Jacksonville.
Ogle	W. W. Burns	Polo.
Peoria	Edward Dickinson	Peoria.
Platt	Byron B. Jones	Monticello.
Pulaski	Alexander H. Kellogg	Mound City.
Randolph	Outhbert T. Jones	Chester.
Rock Island	Thomas Galt	Rock Island.
Richland	Samuel McClure	Olney.
St. Clair	Ferdinand Rubach	Belleville.
Sangamon	T. S. Hening	Springfield.
do.	Charles S. Shelton	do.
Stark	Thomas Hall	Toulon.
Stephenson	Elias C. De Puy	Freeport.
do.	Benjamin T. Buckley	do.
Tazewell	G. P. Wood	Washington.
Union	L. K. Parks	Anna.
Warren	John A. Young	Monmouth.
White	F. J. Foster	Carmi.
do.	Francis Ronalds	Grayville.
Whitesides	A. S. Hudson	Sterling.
Will	James McCann	Joliet.
do.	John F. Daggett	Lockport.
Williamson	Isaac M. Lewis	Marion.
Winnebago	J. B. Lyman	Rockford.

MICHIGAN.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
Allegan	Abram R. Calkins	Allegan.
Berrien	Stillman Richardson	Niles.
Branch	Stephen S. Cutter	Coldwater.
Calhoun	Daniel Hudson	Marshall.
do.	Artemus Doane	Battle Creek.
Clinton	Louis W. Fasquelle	St. Johns.
Eaton	Seneca H. Gage	Bellevue.
do.	Charles N. Hayden	Eaton Rapids.
Genesee	Daniel Clark	Flint.
Hillsdale	John W. Falley	Hillsdale.
Ingham	Joseph B. Hull	Lansing.
do.	Enoch M. Winslow	Stockbridge.
do.	Ira H. Bartholomew	Lansing.
Ionia	William B. Thomas	Ionia.
do.	J. E. Smith	Portland.
Jackson	Ira C. Backus	Jackson City.
Kalamazoo	Homer O. Hitchcock	Kalamazoo.
Kent	Erastus R. Ellis	Grand Rapids.
Lapeer	William A. Jackson	Lapeer.
Lenawee	E. P. Andrews	Adrian.
do.	Syene Hale	Hudon.
Macomb	Seth L. Andrews	Romeo.
Monroe	Edward Dorsch	Monroe.
Oakland	Marshall L. Green	Pontiac.
Saginaw	A. Farnsworth	East Saginaw.
Shiawassee	D. F. Aldorf	Corunna.
St. Clair	Cyrus M. Stockwell	Port Huron.
St. Joseph	Fayette Parsons	Burr Oak.
do.	Addison Bassett	Centreville.
Van Buren	John W. Emery	Paw Paw.
do.	John T. Keables	Decatur.
Washtenaw	William Lewitt	Ann Arbor.
Wayne	James A. Brown	Detroit.

WISCONSIN.

Adams	S. E. Webster	Friendship.
Brown	Uriel H. Peak	Fort Howard.
Columbia	E. Bishop	Portage City.
Crawford	B. D. Eastman	Prairie du Chien.
Dane	Joseph Hobbins	Madison.
Dodge	A. M. Dunton	Beaver Dam.
Fond du Lac	William H. Walker	Fond du Lac.
Grant	John D. Wood	Platteville.
do.	J. H. Hyde	Lancaster.
Green	J. M. Ball	Monroe.
Iowa	George W. Burrell	Dodgeville.
do.	John H. Vivian	Mineral Point.
Jefferson	W. W. Reed	Jefferson.
Kenosha	John Gridley	Kenosha.
La Crosse	Dugald D. Cameron	La Crosse.

WISCONSIN—CONTINUED.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
Lafayette.....	D. T. Abell.....	Darlington.
do.....	George W. Lee.....	Shullsburg.
Marathon.....	J. E. Thayer.....	Wausau.
Milwaukee.....	James Diefendorf.....	Milwaukee.
Monroe.....	Jesse Bennett.....	Sparta.
Ozaukee.....	William F. Fisher.....	Ozaukee.
Portage.....	John Phillips.....	Stevens Point.
Racine.....	Philo R. Hoy.....	Racine.
Richland.....	Daniel L. Downs.....	Richland Centre.
Rock.....	Lyman J. Barrows.....	Janesville.
Sauk.....	H. G. Lachmund.....	Sauk City.
Walworth.....	D. D. T. Hamlin.....	Elkhorn.
Waupaca.....	George R. Taylor.....	Waupaca.
Winnebago.....	A. P. Barber.....	Oshkosh.
Wood.....	G. F. Witter.....	Grand Rapids.

IOWA.

Black Hawk.....	S. N. Pierce.....	Cedar Falls.
Buchanan.....	John G. House.....	Independence.
Butler.....	James Ford Logan.....	Clarksville.
Cedar.....	J. F. Kennedy.....	Tipton.
Clarke.....	E. M. Laws.....	Oceola.
Clayton.....	J. A. Blanchard.....	Elkader.
Clinton.....	John E. Ennis.....	Lyons.
do.....	A. B. Ireland.....	Camanche.
Davis.....	William McK. Findley.....	Bloomfield.
Decatur.....	John P. Finley.....	Leon.
Des Moines.....	P. M. McLaren.....	Burlington.
Dubuque.....	R. S. Lewis.....	Dubuque.
Fayette.....	C. C. Parker.....	Fayette.
Fremont.....	J. N. Penn.....	Sidney.
Guthrie.....	E. B. Fenn.....	Guthrie Centre.
Henry.....	Wellington Bird.....	Mount Pleasant.
Jackson.....	Preston L. Lake.....	Maquoketa City.
Jefferson.....	J. M. Shaffer.....	Fairfield.
Johnson.....	Henry Murray.....	Iowa City.
Jones.....	Lucius French.....	Anamosa.
Keokuk.....	H. W. Selby.....	Sigourney.
Lee.....	Edward Whinery.....	Fort Madison.
do.....	H. T. Cleaver.....	Keokuk.
Linn.....	Henry Ristine.....	Marion.
Lucas.....	J. R. Jay.....	Chariton.
Madison.....	S. B. Cherry.....	Winterset.
Mahaska.....	Charles Beardaley.....	Oskaloosa.
Marshall.....	R. H. Taylor.....	Marshalltown.
Muscatine.....	Christian Hershbe.....	Muscatine.
Page.....	N. L. Van Sandt.....	Clarinda.
Polk.....	Isaac Windle.....	Des Moines.
Poweshiek.....	Reuben Sears.....	Bear Creek.

IOWA—CONTINUED.

COUNTIES.	NAMES.	POST-OFFICE ADDRESS.
Scott	E. S. Barrows	Davenport.
Van Buren	J. D. Elbert	Lebanon.
Warren	M. A. Dashiell	Hartford.
Washington	William McClelland	Washington.
Winneshiek	E. B. Hutchinson	Decorah.

MINNESOTA.

Blue Earth	William R. McMahan	Mankato.
Hennepin	William A. Penniman	Minneapolis.
Olmsted	E. C. Cross	Rochester.
Ramsey	Samuel Willey	St. Paul.
Rice	L. W. Dennison	Faribault.
Wabashaw	F. H. Millegan	Wabashaw.
Winona	John D. Ford	Winona.

MISSOURI.

Buchanan	William I. Heddens	St. Joseph.
Chariton	John H. Blue	Brunswick.
Cole	Richard A. Wells	Jefferson City.
Jackson	Johnston Lykens	Kansas City.
Lafayette	William P. Boulware	Lexington.
Marion	J. H. Kibby	Palmyra.
Phelps	L. A. Wilson	Rolla.
Randolph	William Blair	Huntsville.
St. Louis	James B. Colegrove	St. Louis.
do.	Julian Bates	do.

KANSAS.

Bourbon	A. B. Marcy	Fort Scott.
Breckinridge	J. F. Newlon	Emporia.
Doniphan	Edward H. Grant	Troy.
Douglas	S. C. Harrington	Lawrence.
do.	Alonzo Fuller	do.
Leavenworth	Selden W. Jones	Leavenworth.
Linn	L. B. Hiatt	Mount City.
Marshall	Charles J. Lee	Marysville.
Shawnee	D. W. Stormont	Topeka.

COLORADO TERRITORY.

Arapahoe	M. Saville	Denver City.
Clear Creek	D. W. King	Empire City.

PENSION AGENTS.

NEBRASKA TERRITORY.

COUNTIES.	NAMES.	Post-office Address.
Cass	William S. Latta	Rock Bluffs.
Douglas	G. C. Monell	Omaha.
Nemaha	John F. Neil	Peru.
Richardson	Henry O. Hanna	Falls City.

DISTRICT OF COLUMBIA.

Washington	T. B. Smith	Washington City.
do	W. H. Butler	do.
do	Thomas H. Stewart	do.
do	Samuel R. Haven	do.

LIST OF UNITED STATES PENSION AGENTS.

STATES.	NAMES.	Post-office Address.
Connecticut	Guy R. Phelps	Hartford.
District of Columbia	Hamilton G. Fant	Washington.
Indiana	William P. Fishback	Indianapolis.
Illinois	James W. Boyden	Chicago.
do	John W. Bunn	Springfield.
Iowa	Peter Myer	Des Moines.
Kentucky	Edward F. Gallagher	Louisville.
Massachusetts	Isaac O. Barnes	Boston.
Maine	Charles C. Potter	Augusta.
do	Henry Willis	Portland.
Michigan	Thomas J. Noyes	Detroit.
Missouri	Horatio Wood	St. Louis.
New York	Alpheus Fobes	New York.
do	Deodatus Wright	Cor. Exch. pl. and Hanover st.
New Jersey	Philemon Dickinson	Albany.
New Hampshire	Augustine C. Pierce	Trenton.
Ohio	Henry C. Borden	Concord.
do	August Hierne	Cincinnati.
Pennsylvania	E. Poulson	Cleveland.
do	W. R. Pierce	Philadelphia,
Wisconsin	Jeremiah B. Selby, jr.	429 Walnut st.
		Pittsburg
		Milwaukee.

CHAPTER XIII.

EXTRACTS FROM THE REVISED REGULATIONS FOR THE ARMY OF THE UNITED STATES.

ART. II.

RANK AND COMMAND.

8. An officer not having orders from competent authority, cannot put himself *on duty* by virtue of his commission alone.

9. Officers serving *by commission* from any State of the Union, take rank next after officers of the like grade *by commission* from the United States.

ART. V.

RESIGNATION OF OFFICERS.

24. No officer will be considered out of service on the tender of his resignation, until it shall have been duly accepted by the proper authority. Any officer who, having tendered his resignation, shall, prior to due notice of the acceptance of the same by proper authority, and without leave, quit his post or proper duties, with the intent to remain permanently absent therefrom, shall be registered as a deserter, and punished as such.

25. Resignations will be forwarded by the commanding

officer to the adjutant-general of the army for decision of the War Department ; and with them, where leave is given, the officer's address.

26. Resignations tendered under charges, when forwarded by any commander, will always be accompanied by a copy of the charges ; or, in the absence of written charges, by a report of the case, for the information of the Secretary of War.

27. Before presenting the resignation of any officer, the adjutant-general will ascertain and report to the War Department the state of such officer's accounts of money, as well as of public property, for which he may have been responsible.

28. In time of war, or with an army in the field, resignations shall take effect within thirty days from the date of the order of acceptance.

29. Leaves of absence will not be granted by commanding officers to officers on tendering their resignation, unless the resignation be unconditional and immediate.

ART. XVI.

DECEASED OFFICERS.

149. Whenever an officer dies, or is killed at any military post or station, or in the vicinity of the same, it will be the duty of the commanding officer to report the fact direct to the adjutant-general, with the date, and any other information proper to be communicated. If an officer die at a distance from a military post, any officer having intelligence of the same will in like manner communicate it, specifying the day of his decease ; a duplicate of the report will be sent to Department Headquarters.

150. Inventories of the effects of deceased officers, required by the 94th Article of War, will be transmitted to the adjutant-general.

151. If a legal administrator or family connection be

present, and take charge of the effects, it will be so stated to the adjutant-general.

ART. XVII.

152. Inventories of the effects of deceased non-commissioned officers and soldiers, required by the 95th Article of War, will be forwarded to the adjutant-general by the commander of the company to which the deceased belonged, and a duplicate of the same to the colonel of the regiment. Final statements of pay, clothing, &c., will be sent with the inventories. When a soldier dies at a post or station absent from his company, it will be the duty of his immediate commander to furnish the required inventory, and, at the same time, to forward to the commanding officer of the company to which the soldier belonged, a report of his death, specifying the date, place, and cause; to what time he was last paid, and the money or other effects in his possession at the time of his decease; which report will be noted on the next muster-roll of the company to which the man belonged. Each inventory will be endorsed, "Inventory of the effects of ————, late of company (—), ———— regiment of ————, who died at ————, the ———— day of ————, 186—." If a legal representative receive the effects, it will be stated in the report. If the soldier leaves no effects, the fact will be reported.

153. Should the effects of a deceased non-commissioned officer or soldier not be administered upon within a short period after his decease, they shall be disposed of by a council of administration, under the authority of the commanding officer of the post, and the proceeds deposited with the paymaster, to the credit of the United States, until they shall be claimed by the legal representative of the deceased.

154. In all such cases of sales by the council of administration, a statement in detail, or account of the proceeds,

duly certified by the council and commanding officer, accompanied by the paymaster's receipt for the proceeds, will be forwarded by the commanding officer to the adjutant-general. The statement will be endorsed, "Report of the proceeds of the effects of _____, late of company (—), _____ regiment of _____, who died at _____, the _____ day of _____, 186—."

ART. XVIII.

DESETERS.

155. If a soldier desert from, or a deserter be received at, any post other than the station of the company or detachment to which he belonged, he shall be promptly reported by the commanding officer of such post to the commander of his company or detachment. The time of desertion, apprehension, and delivery will be stated. If the man be a recruit, unattached, the required report will be made to the adjutant-general. When a report is received of the apprehension or surrender of a deserter at any post other than the station of the company or detachment to which he belonged, the commander of such company or detachment shall immediately forward his description and account of clothing to the officer making the report.

156. A reward of five dollars will be paid for the apprehension and delivery of a deserter to an officer of the army at the most convenient post or recruiting station. Rewards thus paid will be promptly reported by the disbursing officer to the officer commanding the company in which the deserter is mustered, and to the authority competent to order his trial. The reward of five dollars will include the remuneration for all expenses incurred for apprehending, securing, and delivering a deserter.

157. When non-commissioned officers or soldiers are sent in pursuit of a deserter, the expenses necessarily incurred will be paid, whether he be apprehended or not, and reported as in case of rewards paid.

158. Deserters shall make good the time lost by desertion, unless discharged by competent authority.

159. No deserter shall be restored to duty without trial, except by authority competent to order the trial.

160. Rewards and expenses paid for apprehending a deserter will be set against his pay *when adjudged by a court martial* or when he is restored to duty without trial on such *condition*.

161. In reckoning the time of service, and the pay and allowance of a deserter, he is to be considered as again in service when delivered up as a deserter to the proper authority.

162. An apprehended deserter, or one who surrenders himself, shall receive no pay while waiting trial, and only such clothing as may be actually necessary for him.

ART. XIX.

DISCHARGES.

163. No enlisted man shall be discharged before the expiration of his term of enlistment without authority of the War Department, except by sentence of a general court martial, or by the commander of the Department or of an army in the field, on certificate of disability, or on application of the soldier after twenty years' service.

164. When an enlisted man is to be discharged, his company commander shall furnish him certificates of his account, usually called final statements, according to Form 4, Pay Department. And to *ensure* his being at the post to get these, no leave of absence, terminating with his service, will be given to him. He may, however, be discharged in advance of the latter, under the circumstances and conditions described in General Orders No. 24, from the War Department, of November 30th, 1859.

165. Blank discharges on parchment will be furnished from the adjutant-general's office. No discharge shall be

made in duplicate, nor any certificate given in lieu of a discharge.

166. The cause of discharge will be stated in the body of the discharge, and the space at foot for character cut off, unless a recommendation is given.

167. Whenever a non-commissioned officer or soldier shall be unfit for the military service in consequence of wounds, disease, or infirmity, his captain shall forward to the commander of the Department, or of the army in the field, through the commander of the regiment or post, a statement of his case, with a certificate of his disability signed by the senior surgeon of the hospital, regiment, or post, according to the form prescribed in the medical regulations.

168. If the recommendation for the discharge of the invalid be approved, the authority therefor will be indorsed on the "certificate of disability," which will be sent back, to be completed and signed by the commanding officer, who will then send the same to the adjutant-general's office.

169. Insane soldiers will not be discharged, but sent, under proper protection, by the Department commander to Washington for the order of the War Department for their admission into the Government asylum. The history of the cases, with the men's descriptive list, and accounts of pay and clothing, will be sent with them.

170. The date, place, and cause of discharge of a soldier absent from his company will be reported by the commander of the post to his company commander.

171. Company commanders are required to keep the blank discharges and all certificates relating to discharges in their *own custody*.

172. No volunteer will be discharged upon surgeon's certificate of disability until the certificate shall have been submitted to the Medical Department director, and shall have been approved and countersigned by him.

ART. XXI.

LEAVES OF ABSENCE TO OFFICERS.

175. In no case will leave of absence be granted, so that a company be left without one of its *commissioned officers*, or that a garrisoned post be left without two commissioned officers and competent medical attendance; nor shall leave of absence be granted to an officer during the season of active operations, except on urgent necessity.

176. When not otherwise specified, leaves of absence will be considered as commencing on the day that the officer is relieved from duty at his post. He will report, monthly, his address for the next thirty days, to the commander of his post, and of his regiment or corps, and to the adjutant-general, together with every change of address; and in his first report state the day when his leave of absence commenced. The expiration of his leave must find him at his station.

177. In time of peace, commanding officers may grant leaves of absence as follows; the commander of a post not to exceed seven days at one time, or in the same month. Applications for leaves of absence for more than four months, or to officers of engineers, ordnance, or of the general's staff, or serving on it, (aides-de-camp excepted,) for more than thirty days, must be referred to the adjutant-general for the decision of the Secretary of War. In giving a permission to apply for the extension of a leave of absence, the term of the extension should be stated. The term of the extension approved by the Department commander will be regulated by the season and the usual opportunities for reaching the officer's station, so that he may not be absent during the time for active operations.

178. The War Department will not grant leaves to officers on applications made out of the proper military channel; nor longer extensions of leave than are recommended by the competent authority.

179. The immediate commander of the officer applying for leave of absence, and all intermediate commanders, will indorse their opinion on the application before forwarding it.

180. The commander of a post may take leave of absence not to exceed seven days at one time, or in the same month, reporting the fact to his next superior.

181. Three months' leave of absence will be allowed to graduates, from the time of quitting (as cadet) the Military Academy.

182. No leave of absence exceeding seven days, except on extraordinary occasions, when the circumstances must be particularly stated (and except as provided in the preceding paragraph), shall be granted to any officer until he has joined his regiment or corps, and served therewith at least two years.

183. Officers will not leave the United States, to go beyond sea, without permission from the War Department.

184. All leaves of absence to chaplains and schoolmasters employed at military posts will be granted by the commanding officer, on the recommendation of the post council of administration, not to exceed four months.

185. An application for leave of absence on account of sickness must be accompanied by a certificate of the senior medical officer present, in the following form: ——— of the ——— regiment of ———, having applied for a certificate on which to ground an application for leave of absence, I do hereby certify that I have carefully examined this officer, and find that—[Here the nature of the disease, wound, or disability is to be fully stated, and the period during which the officer has suffered under its effects.] And that, in consequence thereof, he is, in my opinion, unfit for duty. I further declare my belief that he will not be able to resume his duties in a less period than—[Here state candidly and explicitly the opinion as to the period which will probably elapse before the officer will be able to re-

sume his duties. When there is no reason to expect a recovery, or when the prospect of recovery is distant and uncertain, or when a change of climate is recommended, it must be so stated]. Dated at _____, this ____ day of _____.

Signature of the Medical Officer.

186. Leaves of absence on account of sickness will not be granted to officers to go beyond the limits of the Military Department within which they are stationed, unless the certificate of the medical officer shall explicitly state that a greater change is necessary to save life, or prevent *permanent* disability. Nor will sick leaves to go beyond the Department limits be given in any case, except in immediate urgency, without the previous sanction of the War Department.

187. On the expiration of a leave of absence given on account of sickness, if the officer *be able to travel*, he will forthwith proceed to his post, although his disability may not have been removed. Exceptions to this general rule must be made in each case by the War Department on full and explicit medical certificates, setting forth the reasons for delay, and the length of time delay is considered necessary.

188. When an officer is prevented by sickness from joining his station, he will transmit certificates in the above form monthly to the commanding officer of his post and regiment or corps, and to the adjutant-general; and when he cannot procure the certificate of a medical officer of the army, he will substitute his own certificate on honor to his condition, and a full statement of his case. If the officer's certificate is not satisfactory, and whenever an officer has been absent on account of sickness for one year, he shall be examined by a medical board, and the case specially reported to the President.

189. In all reports of absence, or applications for leave of absence on account of sickness, the officer shall state how

long he has been absent already on that account, and by whose permission.

ART. XXII.

FURLOUGHS TO ENLISTED MEN.

190. Furloughs will be granted only by the commanding officer of the post, or the commanding officer of the regiment actually quartered with it. Furloughs may be prohibited at the discretion of the officer in command, and are not to be granted to soldiers about to be discharged.

191. Soldiers on furlough shall not take with them their arms or accoutrements.

192. Form of furlough.

To all whom it may concern.

The bearer hereof, ——— ———, a sergeant, (corporal, or private, as the case may be), of Captain ——— ——— company, ——— regiment of ———, aged ——— years, ——— feet ——— inches high, ——— complexion, ——— eyes, ——— hair, and by profession a ———, born in the ——— of ———, and enlisted at ———, in the ——— of ———, on the ——— day of ———, eighteen hundred and ———, to serve for the period of ———, is hereby permitted to go to ———, in the county of ———, State of ———, he having received a furlough from the ——— day of ——— to the ——— day of ———, at which period he will rejoin his company or regiment at ———, or wherever it then may be, or be considered a deserter.

Subsistence has been furnished to said ——— ——— to the ——— day of ———, and pay to the ——— day of ———, both inclusive.

Given under my hand, at ———, this ——— day of ———, 18—.

Signature of officer giving the furlough, ——— ———.

ART. XLV.

PAY DEPARTMENT.

1307. The troops will be paid in such manner that the arrears shall at no time exceed two months, unless the circumstances of the case render it unavoidable, which the paymaster charged with the payment shall promptly report to the paymaster-general.

1308. The paymaster-general shall take care, by timely remittances, that the paymaster have the necessary funds to pay the troops, and shall notify the remittances to the paymasters and commanding officers of the respective pay districts.

1309. The payments, except to officers and discharged soldiers, shall be made on muster and pay rolls; those of companies and detachments, signed by the company or detachment commander; of the hospital, signed by the surgeon; and all muster and pay rolls, signed by the mustering and inspecting officer.

1310. When a company is paraded for payment, the officer in command of it shall attend at the pay table.

1311. When a receipt on a pay roll or account is not signed by the hand of the party, the payment must be witnessed. The witness to be a commissioned officer when practicable.

1312. Officers are paid on certified accounts, as in form 3; discharged soldiers, on accounts according to form 5, and certificates, form 4. An officer retiring from service must make affidavit to his pay accounts, and to the certificate annexed to it, and state his place of residence, and the date when his resignation or removal takes effect. Pay accounts of post chaplains are to be certified by the commanding officer of the post.

1313. When an officer is dismissed from the service, he shall not be entitled to pay beyond the day on which the order announcing his dismissal is received at the post where

he may be stationed, unless a particular duty beyond the time is mentioned in the order.

1314. No officer shall receive pay for two staff appointments for the same time.

1315. Officers are entitled to pay from the date of the acceptance of their appointments, and from the date of promotion.

1316. No account of a restored officer for time he was out of service can be paid, without the order of the War Department.

1317. As far as practicable, officers are to draw their pay from the paymaster of the district where they may be on duty.

1318. No officer shall pass away or transfer his pay account not actually due at the time; and when an officer transfers his pay account, he shall report the fact to the paymaster-general, or to the paymaster expected to pay it.

1319. No person in the military service, while in arrears to the United States, shall draw pay. When the Secretary of War shall find by report of the Comptroller of the Treasury, or otherwise, that an officer of the army is in arrears to the United States, the paymaster-general shall be directed to stop his pay to the amount of such arrears, by giving notice of the amount to the paymaster of the army, and to the officer who may pay it over to any paymaster. And no paymaster shall make to him any payment on account of *pay* until he exhibits evidence of having refunded the amount of the arrears, or that his pay accrued and stopped is equal to it, or until the stoppage is removed by the paymaster-general.

1320. Officers having brevet commissions are entitled to their brevet pay and emoluments *when on duty and having a command according to their brevet rank, and at no other time.* (Act April 16th, 1818.)

1321. Officers are *on duty and have a command according to their brevet rank* only when assigned to their brevet rank by the President, with the appropriate actual com-

mand, composed of different corps, or when serving on detachments composed of different corps, with such appropriate command. But in the regiment, troop, or company to which officers belong, they do duty and draw pay according to the commissions by which they are mustered in their own corps.

1322. The following are the appropriate commands to each grade :

1. For a captain, at least a company.
2. For a major, at least 2 companies.
3. For a lieutenant-colonel, at least 4 companies.
4. For a colonel, at least one regiment, or 10 companies.
5. For a brigadier-general, 2 regiments, or 20 companies.
6. For a major-general, 4 regiments, or 40 companies.
7. For a lieutenant-general, 8 regiments, or 80 companies.

1323. Officers charging brevet pay will state on their pay accounts the regiments and companies composing their commands.

1324. Double rations are allowed to the major-general commanding the army, and to every officer commanding in chief a separate army actually in the field ; to the generals commanding the eastern and western geographical divisions ; to the quartermaster-general and the adjutant-general ; to the colonels or other officers commanding military geographical departments.

1325. Commanding officers of companies will not forfeit the allowances to which they are entitled by reason of such commands, when temporarily absent on duty, provided the absence is less than one month.

1326. No officer or soldier shall receive pay or allowances for any time during which he was absent without leave, unless a satisfactory excuse for such absence be rendered to his commanding officer, evidence of which, in case of an officer, shall be annexed to his pay account.

1327. Every deserter shall forfeit all pay and allowances

due at the time of desertion. Stoppages and fines shall be paid from his future earnings, if he is apprehended and continue in service, and if they are adjudged by a court martial; otherwise from his arrears of pay.

1328. No deserter shall receive pay before trial, or till restored to duty without trial by the authority competent to order the trial.

1329. In case of a soldier's death, desertion, or discharge, without pay, or the forfeiture of his pay by sentence of court martial, the amount due the laundress and sutler will be noted on the muster roll.

1331. When an improper payment has been made to any enlisted soldier, and disallowed in the settlement of the paymaster's accounts, the paymaster may report the fact to the commander of the company in which the soldier is mustered, who will note on the muster rolls the amount to be stopped from the pay of the soldier, that it may be refunded to the paymaster in whose accounts the improper payment has been disallowed.

1332. Authorized stoppages to reimburse the United States, as for loss or damage to arms, equipments, or other public property; for extra issues of clothing; for the expense of apprehending deserters, or to reimburse individuals (as the paymaster, laundress, &c.); forfeitures for desertion, and fines by sentence of court-martial, will be entered on the roll and paid in the order stated.

1333. The paymaster will deduct from the pay of all enlisted men twelve and a half cents per month for the support of the "Soldier's Home," and also the amount of the authorized stoppages entered on the muster-roll, descriptive list, or certificate of discharge.

1334. The additional pay of two dollars a month to a private soldier in virtue of a certificate of merit (Act March 3d, 1847), commences at the date of service from which the certificate is given, and continues while he remains a private soldier, if he has been continuously in service, or has a

certificate of merit given for service in the war with Mexico. (Act August 4th, 1854).

1335. Non-commissioned officers who were recommended by the commanding officer of their regiment for promotion by brevet for distinguished service in the war with Mexico, and not promoted, receive two dollars a month additional pay, while in service as non-commissioned officers. (Act August 4th, 1854).

1336. The muster rolls are to embrace all the data necessary to insure justice to the soldier, and to guide the paymaster in making his payments. Thus, when a man is entitled to the benefits of the 2d section of the act of August 4th, 1854, the following remark should be placed opposite his name: "\$2 per month for first reënlistment." If he be entitled to \$1 additional for reënlisting subsequent to its date, the remark will then be "\$3 per month for second reënlistment;" for a third reënlistment, "\$4 per month for third reënlistment," &c. For soldiers coming under the provisions of the 3d and 4th sections of the act, note as follows: "\$2 per month for certified merit;" "\$2 per month for first reënlistment, \$2 for certified merit," &c., according to the facts of the case.

1337. The retained pay is due to a discharged soldier, unless forfeited by sentence of a court martial, or as provided in paragraph 1340.

1338. The travelling pay is due to a discharged officer or soldier, unless forfeited by sentence of a court martial, or as provided in paragraph 1340, or the discharge is by way of punishment for an offence.

1339. In reckoning the travelling allowance to discharged officers or soldiers, the distance is to be estimated by the shortest mail route; if there is no mail route, by the shortest practicable route. Rations of soldiers, if not drawn in kind, are estimated at the contract price at the place of discharge. The price of the ration shall be stated on the certificate.

1340. Every enlisted man discharged as a minor, or for other cause involving fraud on his part in the enlistment, or discharged by the civil authority, shall forfeit all pay and allowances due at the time of the discharge, and shall not receive any final statements.

1341. Paymasters or other officers to whom a discharged soldier may apply, shall transmit to the paymaster-general, with their remarks, any evidence the soldier may furnish relating to his not having received or having lost his certificates of pay due. The paymaster-general will transmit the evidence to the Second Comptroller, for the settlement of the account.

1342. No paymaster or other officer shall be interested in the purchase of any soldier's certificate of pay due, or other claim against the United States.

1343. The paymaster-general will report to the adjutant-general any case of neglect of company officers to furnish the proper certificates to soldiers entitled to discharge.

1344. Whenever a garrison is withdrawn from any post at which a chaplain is authorized to be employed, his pay and emoluments shall cease on the last day of the month next ensuing after the withdrawal of the troops. The paymaster-general will be duly informed from the adjutant-general's office whenever the appointment and pay of the post-chaplain will cease under this regulation.

1354. In order to afford enlisted men of the army a secure deposit for the amounts from their pay, and to relieve the muster and pay rolls from accumulated credits of pay, the following provisions are made :

1. All enlisted men present with their companies or detachments at the time of payment, shall hereafter sign the receipt for their monthly pay.

2. Soldiers may deposit with the paymaster any portion of their pay, not less than \$5 at one time, provided that no amount so deposited shall be withdrawn until the expiration of the soldier's enlistment.

3. At the time of the first deposit, a check book will be given to the soldier, and a certificate of every deposit made signed by the paymaster and company commander, shall be entered therein at the time of making the same.

4. The company commander shall keep an account of every deposit made by a soldier on the company book, and shall transmit to the paymaster-general, after each payment, a list of the depositors, and the amounts deposited by them respectively.

5. In case of the transfer of a soldier, his descriptive roll shall exhibit the several amounts deposited by him.

6. On the discharge of a soldier, the amount of his deposits shall be entered on his final statements, and paid on settlement of the same.

7. On the death of a soldier, his deposits shall be accounted for in the inventory of his effects, and on the accompanying final statements.

8. The money deposited by any soldier shall not be liable to forfeiture by sentence of court martial.

9. Paymasters will receive the deposits of the soldiers in their respective districts, credit the same in their accounts current, and furnish a list of the depositors, with the several sums deposited by each, to accompany their accounts and vouchers for disbursements. The sums thus received by the paymasters may be again used by them in the payment of troops.

10. The paymaster-general shall keep in his office such record as may be necessary to show the deposits made by the enlisted men of each company.

1355. Paymasters will afford sutlers every facility in the collection of the amounts due them, in accordance with regulations 217 and 218.

1356. Officers absent from their appropriate duties, either with or without leave, for six months, will thereby forfeit all the emoluments and allowances to which they would otherwise be entitled.

ART. LII.

VOLUNTEERS AND MILITIA IN THE SERVICE OF THE UNITED STATES.

1636. Whenever volunteer or drafted militia are called into the service of the United States, by any officer authorized to make such call, the requisition must be made on the Governor of the State or Territory in which the militia are to be raised, and the number of officers, non-commissioned officers, and privates will be stated in the requisition, according to the organization prescribed by the law of the United States.

1637. Before militia are received in the service of the United States, they shall be mustered by an inspector-general, or some other officer of the regular army, specially designated to muster them.

1638. When volunteers are to be mustered into the service of the United States, they will, at the same time, be minutely examined by the surgeon and assistant surgeon of the regiment, to ascertain whether they have the physical qualifications necessary for the military service. And in case any individual shall be discharged within three months after entering the service, for a disability which existed at that time, he shall receive neither pay nor allowances except subsistence and transportation to his home. The certificate given by the surgeon will, in all cases, state whether the disability existed prior to the date of muster, or was contracted after it.

1639. It shall be the duty of the officer designated to muster and inspect militia, to forward muster rolls of each company, and of the field and staff officers of each regiment, *direct* to the adjutant-general of the army, Washington; and he will also immediately forward a consolidated return, by regiments and corps, of the force received into service, for the information of the War Department.

1640. *Mustering in.*—Reference will be made to the

particular act or acts of Congress under which the militia are called into service. If there be no such act, then to the act May 8th, 1792, amended by the acts April 18th, 1814, and April 20th, 1816. Mustering officers will not muster into service a greater number of officers, or of higher rank, than the law prescribes. No officers of the general staff will be mustered or received into service, except such general officers, with their aides-de-camp, as may be required to complete the organization of brigades or divisions.

1641. *Mustering out.*—The rolls for this purpose will be compared with those of the first muster. All persons on the first rolls, and absent at the final muster, must be accounted for—whether dead, captured, discharged, or otherwise absent; and if the mustering officer, in any particular case, shall have cause to doubt the report made to be entered on the rolls, he shall demand the oath of one or more persons to prove the facts to his satisfaction; further, he shall take care that not more persons of the several ranks be mustered out of service than were mustered in, if there be an excess over the requisition or beyond the law, nor recognize additions or substitutes, without full satisfaction that the additions or substitutes were regularly made, and at the time reported on the rolls.

1642. Officers mustering in troops will be careful that men from one company or detachment are not borrowed for the occasion, to swell the ranks of others about to be mustered. No volunteer will be mustered into the service who is unable to speak the English language.

1643. Officers charged with the duty of mustering militia will take care that the muster rolls contain all the information that may in any way affect their pay; the distance from the places of residence to the place of rendezvous or organization, and the date of arrival, must be stated in each case; the date and place of discharge, and the distance thence to the place of residence; all stoppages for articles furnished by the Government must be noted on the rolls;

and in cases of absence at the time of discharge of the company, the cause of absence must be stated. When the necessary information cannot be obtained, the mustering officer must state the reason.

1644. If, as has sometimes happened, militia, at the end of a term of service, shall, from the want of a mustering officer, disperse or return home without being regularly mustered out; and if, with a view to a payment, a muster shall afterward be ordered by competent authority, the officer sent for the purpose shall carefully verify all the facts affecting pay, by the oath of one or more of the officers belonging to such militia, in order that full justice may be done.

1645. In all cases of *muster for payment*, whether final or otherwise, the mustering officer will give his particular attention to the state and condition of the public property; such as quarters, camp equipage, means of transportation, arms, accoutrements, ammunition, &c., which has been in the use or possession of the militia to be paid; and if any such public property shall appear to be damaged or lost, beyond ordinary wear or unavoidable accident, such loss or damage shall be noted on the muster rolls, in order that the injury or loss sustained by the United States may be stopped from the pay that would otherwise be due to the individual or detachment mustered for payment. This provision shall be read to all detachments of militia on being mustered into service, and as much oftener as may be deemed necessary.

1646. Payments will, in all cases, be made by the paymasters of the regular army.

1647. Officers of the volunteer service tendering their resignations, will forward them through the intermediate commanders to the officer commanding the department or *corps d'armée* in which they may be serving, who is authorized to grant them honorable discharges. This commander will immediately report his action to the adjutant-general

of the army, who will communicate the same to the Governor of the State to which the officer belongs. A clear statement of the cause will accompany every resignation.

1648. Vacancies occurring among the commissioned officers in volunteer regiments will be filled by the Governors of the respective States by which the regiments were furnished. Information of such appointments will, in all cases, be furnished to the adjutant-general of the army.

CHAPTER XIV.

EXTRACTS FROM ACTS OF CONGRESS.

ACT OF JULY, 1861.

SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service; and the widow, if there be one, and if not, the legal heirs of such as die, or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of one hundred dollars.

CHAPTER CXLIV., ACTS OF THIRTY-SEVENTH CONGRESS.

An act making appropriations for the payment of the bounty authorized by the 6th section of an act entitled "An Act to authorize the Employment of Volunteers to aid in enforcing the Laws and protecting Public Property, and for other purposes," approved July 22d, 1861.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby,

appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, viz. :

For payments of the bounty to widows, children, fathers, mothers, brothers, and sisters of such volunteers as may have died or been killed, or may die or be killed, in service, authorized by the 6th section of an act entitled " An Act to authorize the Employment of Volunteers to aid in enforcing the Laws, and protecting Public Property," approved July 22d, 1861, five millions of dollars, or so much thereof as may be found necessary. *Provided*, That said bounty shall be paid to the following persons, and in the order following, and to no other person, to wit : first, to the widow of such deceased soldier, if there be one ; second, if there be no widow, then to the children of such deceased soldier, share and share alike ; third, if such soldier left neither a widow, or child or children, then, and in that case, such bounty shall be paid to the following persons, provided they be residents of the United States, to wit : first, to his father ; or if he shall not be living, or has abandoned the support of his family, then to the mother of such soldier ; and if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid.*

For compensation of twenty additional clerks, hereby authorized to be employed in the office of the Commissioner

* It will not fail to be noticed that the act of Congress of July 14th, 1861, says that " the widow, if there be one, and if not, the legal heirs of such as die or may be killed in the service, in addition to all arrears of pay and allowances, shall receive the sum of one hundred dollars." This language is very explicit, and admits of no doubt as to the meaning ; yet in this act making appropriation for payment of the bounty it is altered very materially. Instead of the legal heirs of those who die being paid the bounty, it is here provided that the same shall only be paid to such heirs residing in the United States. The question thus arises whether or not the act of July, 1861, was in the nature of a contract with all persons enlisting under it. If it be held to be so, it is doubtful whether Congress can afterwards abrogate that contract, and by a new law cut off the legal heirs of a soldier from their inheritance merely on the ground of non-residence. See Opin. Secretary of Interior, case of Abigail McKindley.

of Pensions, to wit: For fifteen clerks of the first class, eighteen thousand dollars; for five clerks of the second class, seven thousand dollars.

SEC. 2. *And be it further enacted*, That the sum of three thousand dollars, or so much thereof as may be found necessary, be, and the same is hereby, appropriated for the expenses of the Committee on Disloyal Employees of the Government, appointed by resolution of the House of Representatives, July 8th, 1861.

SEC. 3. *And be it further enacted*, That that part of the 6th section of act "To authorize the Employment of Volunteers to aid in enforcing the Laws, and protecting Public Property," approved July 22d, 1861, which secured to the widow, if there be one, and if not, the legal heirs of such volunteers as die or may be killed in service, in addition to all arrears of pay and allowances, a bounty of one hundred dollars, shall be held to apply to those persons who have enlisted in the regular forces since the first day of July, 1861, or shall enlist in the regular forces during the year 1862, and be paid to the heirs named in this act; and that the bounties herein provided for shall be paid out of any money appropriated for bounty to volunteers.

Approved July 11th, 1862.

CHAPTER CLXVI, ACTS OF THIRTY-SEVENTH CONGRESS.

AN ACT TO GRANT PENSIONS.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if any officer, non-commissioned officer, musician, or private of the army, including regulars, volunteers, and militia, or any officer, warrant or petty officer, musician, seaman, ordinary seaman, flotillaman, marine, clerk, landsman, pilot, or other person in the navy or marine corps, has been, since the fourth day of March, eighteen hundred and

sixty-one, or shall hereafter be disabled,* by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, he shall, upon making due proof of the fact according to such forms and regulations as are or may be provided by or in pursuance of law, be placed upon the list of invalid pensions of the United States, and be entitled to receive, for the highest rate of disability, such pension as is hereinafter provided in such cases, and for an inferior disability, an amount proportionate to the highest disability, to commence as hereinafter provided, and continue during the existence of such disability. The pension for a total disability for officers, non-commissioned officers, musicians, and privates employed in the military service of the United States, whether regulars, volunteers, or militia, and the marine corps, shall be as follows, viz. : lieutenant-colonel, and all officers of a higher rank, thirty dollars per month ; major, twenty-five dollars per month ; captain, twenty dollars per month ; first lieutenant, seventeen dollars per month ; second lieutenant, fifteen dollars per month ; and non-commissioned officers, musicians, and privates, eight dollars per month. The pension for total disability for officers, warrant or petty officers, and others employed in the naval service of the United States, shall be as follows, viz. : captain, commander, surgeon, paymaster, and chief engineer, respectively ranking with commander by law, lieutenant commanding, and master commanding, thirty dollars per month ; lieutenant, surgeon, paymaster, and chief engineer, respectively ranking with lieutenant by law, and passed assistant-surgeon, twenty-five dollars per month ; professor of mathematics, master, assistant surgeon, assistant paymaster, and chaplain, twenty

* The word disabled means any degree of personal disability which renders the individual less able to provide for his subsistence. A seaman disabled by punishment inflicted by an enemy for attempting to escape, after having been taken prisoner, is within the spirit of the law. 2 Opin. 542, 545 ; 1 Id., 461 ; *Arcadi vs. United States*, Dev. C. C., 184.

dollars per month ; first assistant engineers and pilots, fifteen dollars per month ; passed midshipman, midshipman, captain's and paymaster's clerk, second and third assistant engineer, master's mate, and all warrant officers, ten dollars per month ; all petty officers, and all other persons before named employed in the naval service, eight dollars per month ; and all commissioned officers, of either service, shall receive such and only such pension as is herein provided for the rank in which they hold commissions.

SEC. 2. *And be it further enacted,* That if any officer or other person named in the first section of this act has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States,* and in the line of duty, his widow, or, if there be no widow, his child or children under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband, or father, and to continue to the widow during her widowhood, or to the child or children until they severally attain to the age of sixteen years, and no longer.

SEC. 3. *And be it further enacted,* That where any officer or other person named in the first section of this act shall have died subsequently to the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, and has not left or shall not leave a widow nor legitimate child, but has left or shall leave a mother who was dependent upon him for support, in whole or in part, the mother shall be entitled to receive the same pension as such officer or other person would have been entitled to had he been totally disabled ; which pension shall commence from the death

* See page 122.

of the officer or other person dying as aforesaid. *Provided, however,* That if said mother shall herself be in receipt of a pension as a widow, in virtue of the provision of the second section of this act, in that case no pension or allowance shall be granted to her on account of her son, unless she gives up the other pension or allowance. *And provided, further,* That the pension given to a mother on account of her son shall terminate on her remarriage. *And provided, further,* That nothing herein shall be so construed as to entitle the mother of an officer or other person dying, as aforesaid, to more than one pension at the same time under the provisions of this act.

SEC. 4. *And be it further enacted,* That where any officer or other person named in the first section of this act shall have died subsequently to the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, and has not left or shall not leave a widow, nor legitimate child, nor mother, but has left or may leave an orphan sister or sisters, under sixteen years of age, who were dependent upon him for support, in whole or in part, such sister or sisters shall be entitled to receive the same pension as such officer or other person would have been entitled to, had he been totally disabled; which pension to said orphan shall commence from the death of the officer or other person dying as aforesaid, and shall continue to the said orphans until they severally arrive at the age of sixteen years, and no longer. *Provided, however,* That nothing herein shall be so construed as to entitle said orphans to more than one pension at the same time, under the provisions of this act. *And provided, further,* That no moneys shall be paid to the widow, or children, or any heirs of any deceased soldier on account of bounty, back pay, or pension, who have in any way been engaged in or who have aided or abetted the existing rebellion in the United States; but the right of such disloyal

widow or children, heir or heirs of such soldier, shall be vested in the loyal heir or heirs of the deceased, if any there be.

SEC. 5. *And be it further enacted*, That pensions which may be granted in pursuance of the provisions of this act, to persons who may have been, or shall be, employed in the military or naval service of the United States, shall commence on the day of the discharge of such persons in all cases in which the application for such provisions [pensions] is filed within one year after the date of said discharge; and in cases in which the application is not filed during said year, pensions granted to persons employed as aforesaid commence on the day of the filing of the application.

SEC. 6. *And be it further enacted*, That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowance before the Pension Office under this act, shall not exceed the following rates: for making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the Pension Office, with the requisite correspondence, five dollars. In cases wherein additional testimony is required by the Commissioner of Pensions, for each affidavit so required and executed and forwarded (except the affidavits of surgeons, for which such agents and attorneys shall not be entitled to any fees), one dollar and fifty cents.

SEC. 7. *And be it further enacted*, That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract or agree to prosecute any claim for a pension, bounty, or other allowance under this act, on the condition that he shall receive a per centum upon, or any portion of the amount of such claim, or who shall wrongfully withhold from a pensioner or other claimant the whole or any part of the pension or claim allowed and due to such

pensioner or claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and aggravations of the offence.

SEC. 8. *And be it further enacted,* That the Commissioner of Pensions be, and he is hereby empowered to appoint, at his discretion, civil surgeons to make the biennial examinations of pensioners, which are or may be required to be made by law, and to examine applicants for invalid pensions, where he shall deem an examination by a surgeon to be appointed by him necessary; and the fees for each of such examinations, and the requisite certificate thereof, shall be one dollar and fifty cents, which fees shall be paid to the surgeon by the person examined, for which he shall take a receipt, and forward the same to the Pension Office; and upon the allowance of the claim of the person examined, the Commissioner of Pensions shall furnish to such person an order on the pension agent of his State for the amount of the surgeon's fees.

SEC. 9. *And be it further enacted,* That the Commissioner of Pensions, on application made to him in person or by letter by any claimants or applicants for pension, bounty, or other allowance required by law to be adjusted and paid by the Pension Office, shall furnish such claimants, free of all expense or charge to them, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and in case such claim is prosecuted by an agent or attorney of such claimant, on the issue of a certificate of pension or the granting of a bounty or allowance, the Commissioner of Pensions shall forthwith notify the applicant or claimant that such certificate has been issued or allowance made, and the amount thereof.

SEC. 10. *And be it further enacted,* That the pilots, engineers, sailors, and crews upon the gunboats and war vessels

of the United States, who have not been regularly mustered into the service of the United States, shall be entitled to the same bounty allowed to persons of corresponding rank in the naval service, provided they continue in service to the close of the present war; and all persons serving as aforesaid, who have been or may be wounded or incapacitated for service, shall be entitled to receive for such disability the pension allowed by the provisions of this act to those of like rank, and each and every such person shall receive pay according to corresponding rank in the naval service. *Provided*, That no person receiving pension or bounty under the provisions of this act shall receive either pension or bounty for any other service in the present war.

Sec. 11. *And be it further enacted*, That the widows and heirs of all persons described in the last preceding section who have been or may be employed as aforesaid, or who have been or may be killed in battle, or of those who have died or shall die of wounds received while so employed, shall be paid the bounty and pension allowed by the provisions of this act, according to rank, as provided in the last preceding section.

Sec. 12. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized to appoint a special agent for the Pension Office, to assist in the detection of fraud against the pension laws, to cause persons committing such frauds to be prosecuted, and to discharge such other duties as said Secretary may require him to perform, which said agent shall receive for his services an annual salary of twelve hundred dollars, and his actual travelling expenses, incurred in the discharge of his duties, shall be paid by the Government.

Sec. 13. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved July 14th, 1862.

CHAPTER LXXXIV., SESSION THIRD, THIRTY-SEVENTH CONGRESS.

An Act to amend an act entitled "An Act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property." Approved July 22d, 1861.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That every non-commissioned officer, private, or other person who has been, or shall hereafter be, discharged from the army of the United States within two years from the date of their enlistment, by reason of wounds received in battle, shall be entitled to receive the same bounty as is granted or may be granted to the same classes of persons who are discharged after a service of two years; and all acts and parts of acts inconsistent with this, are hereby repealed.

Approved March 3d, 1863.

AN ACT TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON
THE PUBLIC DOMAIN.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government, or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a preemption claim, or which may, at the time the application is made, be subject to preemption at one dollar and twenty-five cents or less, per acre; or eighty acres or less of such

unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: *Provided*, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2. *And be it further enacted*, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one or more years of age, or shall have performed service in the army or navy of the United States, and that he has never borne arms against the Government of the United States, or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided, however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry—or if he be dead his widow; or in case of her death his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death—shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has

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borne true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law: *And provided, further*, That in case of the death of both father and mother, leaving an infant child, or children under twenty-one years of age, the right and fee shall enure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. *And be it further enacted*, That the register of the land office shall note all such applications on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted*, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. *And be it further enacted*, That, if at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then, and in that event, the land so entered shall revert to the Government.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to acquire title to more than one quarter

section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: *Provided*, That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing preemption rights: *And provided, further*, That all persons who may have filed their applications for a preemption right prior to the passage of this act shall be entitled to all privileges of this act: *Provided, further*, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

SEC. 7. *And be it further enacted*, That the fifth section of the act entitled "An Act in addition to an Act more effectually to provide for the Punishment of certain Crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits, required or authorized by this act.

SEC. 8. *And be it further enacted*, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of

this act from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting preëmption rights.

Approved May 20th, 1862.

CHAPTER XV.

INSTRUCTIONS AND FORMS TO BE OBSERVED IN APPLYING FOR PENSIONS UNDER THE ACT OF JULY 14TH, 1862.

PENSION ACT OF JULY 14TH, 1862.

GENERAL PROVISIONS.

UNDER the act of Congress approved July 14th, 1862, pensions are granted to the following classes of persons :

1st. Invalids disabled since March 4th, 1861, in the military and naval service of the United States, in the line of duty.

2d. Widows of officers, soldiers, or seamen, dying of wounds received or of disease contracted in the military or naval service as above.

3d. Children under sixteen years of age, of such deceased persons, if there be no widow surviving, or from the time of the widow's remarriage.

4th. Mothers (who have no husband living) of officers, soldiers, or seamen, deceased as aforesaid, provided the latter have left neither widow nor children under sixteen years of age ; and provided also that the mother was dependent, wholly or in part, upon the deceased for support.

5th. Sisters under sixteen years of age of such deceased persons, dependent on the latter, wholly or in part, for sup-

port, provided there are no rightful claimants of either of the three last preceding classes.

The rates of pension to the several classes and grades are distinctly set forth in the first section of the act, a copy of which is herewith published. Only one full pension will be allowed to the relatives of a deceased officer, soldier, or seaman, and in the order of precedence as set forth above. When more than one minor child or orphan sister thus becomes entitled to pension, the same must be divided equally between them. Invalid pensions under this law will commence from the date of the pensioner's discharge from service, provided application is made within one year thereafter. If the claim is not made until a later date, the pension will commence from the time of application. Pensions of widows and minors will commence from the death of the officer, soldier, or seaman on whose service the claim is based.

ARMY PENSIONS.

Declarations are required to be made before a court of record, or before some officer of such court duly authorized to administer oaths, and having custody of its seal. Testimony may be taken before a justice of the peace, or other officer having like authority to administer oaths, but in no case will any evidence be received that is verified before an officer who is concerned in prosecuting the claim, or has a manifest interest therein.

The subjoined forms, marked respectively A, B, C, D, and E, will guide applicants for pensions, of the army branch, in the several classes. The forms should be exactly followed in every instance. No attorney will be regarded as having filed the necessary declaration and affidavits as contemplated by the seventh section of this act, unless the forms, as well as the instructions given in this pamphlet, are strictly complied with.

In support of the allegations made in the claimant's de-

claration, testimony will be required in accordance with the following rules :

1st. The claimant's identity must be proved by two witnesses, certified by a judicial officer to be respectable and credible, who are present and witness the signature of the declarant, and who state upon oath or affirmation their belief, either from personal acquaintance or for some other reasons given, that he or she is the identical person he or she represents himself or herself to be.

2d. Every applicant for an invalid pension must, if in his power, produce the certificate of the captain, or some other commissioned officer under whom he served, distinctly stating the time and place of the said applicant's having been wounded or otherwise disabled, and the nature of the disability, and that the said disability arose while he was in the service of the United States, and in the line of his duty.

3d. If it be impracticable to obtain such certificate, by reason of the death or removal of said officers, it must be so stated under oath by the applicant, and his averment of the fact proved by persons of known respectability, who must state particularly all the knowledge they may possess in relation to such death or removal ; then secondary evidence can be received. In such case the applicant must produce the testimony of at least two credible witnesses (who were in a condition to know the facts about which they testify) whose good character must be vouched for by a judicial officer, or by some one known to the department. The witnesses must give a minute narrative of the facts in relation to the matter, and must show how they obtained a knowledge of the facts to which they testify.

4th. The surgeon's certificate for discharge should show the character and degree of the claimant's disability, and when that is wanting, and when the certificate of an army surgeon is not obtainable, the certificate of two respectable civil surgeons will be received. These surgeons must give in their certificates a particular description of the wound,

injury, or disease, and specify how and in what manner his present condition and disability are connected therewith. The degree of disability for obtaining subsistence by manual labor must also be stated.

5th. The habits of the applicant and his occupation since he left the service must be shown by at least two credible witnesses. If the applicant claims a pension as the widow of a deceased officer or soldier, she must prove the legality of her marriage, the death of her husband, and that she is still a widow. She must also furnish the names and ages of her children under sixteen years of age at her husband's decease, and the place of their residence. On a subsequent marriage, her pension will cease, and the minor child or children of the deceased officer or soldier, if any be living under the age of sixteen years, will be entitled to the same in her stead from the date of such marriage.

Proof of the marriage of the parents and of the age of claimants will in like manner be required in all applications in behalf of minor children.

The legality of the marriage may be ascertained by the certificate of the clergyman who joined them in wedlock, or by the testimony of respectable persons having knowledge of the fact, in default of record evidence. The ages and number of children may be ascertained by the deposition of the mother, accompanied by the testimony of respectable persons having knowledge of them, or by transcripts from the parish or town registers, duly authenticated. Similar proof will be required of the marriage of the claimant, if the mother of the deceased officer or soldier, and that she remains a widow.* If the claimant be a dependent sister, like proof will be required of the marriage of her parents, and of her relationship to the deceased.

Guardians of minor claimants must in all cases produce evidence of their authority as such, under the seal of the court from which their appointment is obtained.

* This is obsolete, see page 111.

Applicants of the last four classes above given, who have in any manner aided or abetted the rebellion against the United States Government, are not entitled to the benefits of this act.

Attorneys for claimants must have proper authority from those in whose behalf they appear. Powers of attorney must be signed in the presence of two witnesses, and acknowledged before a duly qualified officer, whose official character must be certified under seal.

In all cases, the post-office address of the claimant must be distinctly stated.

Applications under this act will be numbered and acknowledged, to be acted on in their turn. In filing additional evidence, correspondents should always give the number of the claim as well as the name of the claimant.

NAVY PENSIONS.

To obtain the navy pensions provided by this act, applications must be made, and evidence filed, in strict accordance with the following rules and forms :

Invalids at the time of their discharge may make their applications and subscribe the same in the presence of the captain or executive officer of the vessel or station to which they have been attached, who will countersign the same, and certify to the applicant's identity. The claimant will therewith forward the paymaster's certificate of discharge, indorsed on his application by the paymaster or executive officer.

If the application be made at a later date, it must be before a court of record, or before some officer of such court authorized to administer oaths, and having custody of its seal.

Testimony may be taken before a justice of the peace or other officer having like authority to administer oaths, but in no case will any evidence be received that is verified be-

governed in prosecuting the claim, or
therein.

marked respectively A, B, C, D,
applicants for pensions of the navy
forms. The forms should be exactly
the same. No attorney will be regarded as
validly declaring and affidavits as con-
firmation of the act, unless the forms as
given in the pamphlet are strictly

requirements made in the claimant's de-
claration required in accordance with the

entirety must be proved by two wit-
nesses, one of whom must be a respect-
able and witness the signature of the
applicant upon oath or affirmation their be-
cause of acquaintance or for other reasons
that he is an identical person he or she repre-
sents.

For an invalid pension must, if in his
possession of some commissioned officer
wounded, distinctly stating the time and
place of the disability, and that the
applicant was in the service of the
Government at the time of his duty.

For an invalid pension, by
the removal of said officers, it must be so
stated by the applicant, and his averment of the
truth of known respectability, who must
possess knowledge they possess in relation
to the same; then secondary evidence can be
used if the applicant must produce the tes-
timony of credible witnesses (who were in a
position to know about which they testify), whose

Applicants of the last four classes above given, who have in any manner aided or abetted the rebellion against the United States Government, are not entitled to the benefits of this act.

Attorneys for claimants must have proper authority from those in whose behalf they appear. Powers of attorney must be signed in the presence of two witnesses, and acknowledged before a duly qualified officer, whose official character must be certified under seal.

In all cases, the post-office address of the claimant must be distinctly stated.

Applications under this act will be numbered and acknowledged, to be acted on in their turn. In filing additional evidence, correspondents should always give the number of the claim as well as the name of the claimant.

NAVY PENSIONS.

To obtain the navy pensions provided by this act, applications must be made, and evidence filed, in strict accordance with the following rules and forms :

Invalids at the time of their discharge may make their applications and subscribe the same in the presence of the captain or executive officer of the vessel or station to which they have been attached, who will countersign the same, and certify to the applicant's identity. The claimant will therewith forward the paymaster's certificate of discharge, indorsed on his application by the paymaster or executive officer.

If the application be made at a later date, it must be before a court of record, or before some officer of such court authorized to administer oaths, and having custody of its seal.

Testimony may be taken before a justice of the peace or other officer having like authority to administer oaths, but in no case will any evidence be received that is verified be-

fore an officer who is concerned in prosecuting the claim, or has a manifest interest therein.

The subjoined forms, marked respectively A, B, C, D, and E, will guide applicants for pensions of the navy branch in the several classes. The forms should be exactly followed in every instance. No attorney will be regarded as having filed the necessary declaration and affidavits as contemplated by the sixth section of the act, unless the forms as well as the instructions given in the pamphlet are strictly complied with.

In support of the allegations made in the claimant's declaration, testimony will be required in accordance with the following rules :

1st. The claimant's identity must be proved by two witnesses, certified by a judicial officer to be respectable and credible, who are present and witness the signature of the declarant, and who state upon oath or affirmation their belief, either from personal acquaintance or for other reasons given, that he or she is the identical person he or she represents himself or herself to be.

2d. Every applicant for an invalid pension must, if in his power, produce the certificate of some commissioned officer under whom he has served, distinctly stating the time and place of the said applicant's having been wounded or otherwise disabled, and the nature of the disability, and that the said disability arose while he was in the service of the United States, and in the line of his duty.

3d. If it be impracticable to obtain such certificate, by reason of the death or removal of said officers, it must be so stated under oath by the applicant, and his averment of the fact proved by persons of known respectability, who must state particularly all the knowledge they possess in relation to such death or removal ; then secondary evidence can be received. In such case the applicant must produce the testimony of at least two credible witnesses (who were in a condition to know the facts about which they testify), whose

good character must be vouched for by a judicial officer, or by some one known to the department. The witnesses must give a minute narrative of the facts in relation to the matter, and must show how they obtained a knowledge of the facts to which they testify.

4th. The surgeon's certificate for discharge should show the character and degree of the claimant's disability, but where that is wanting, and when the certificate of a navy surgeon or of a board of survey is not obtainable, that fact must be satisfactorily explained, and the certificate of two respectable civil surgeons will be received. These surgeons must give in their certificates a particular description of the wound, injury, or disease, and specify how and in what manner his present condition and disability are connected therewith. The degree of disability for obtaining subsistence by manual labor must also be stated.

5th. The habits of the applicant, and his occupation since he left the service, must be shown by at least two credible witnesses.

If the applicant claims a pension as the widow of a deceased officer or seaman, she must prove the legality of her marriage; the death of her husband, and that she is still a widow. She must also furnish the names and ages of her children under sixteen years of age at her husband's decease, and the place of their residence. On a subsequent marriage her pension will cease, and the minor child or children of the deceased officer or soldier, if any be living under the age of sixteen years, will be entitled to the same in her stead from the date of such marriage.

Proof of the marriage of the parents and of the age of claimants will, in like manner, be required in all applications in behalf of minor children. The legality of the marriage may be ascertained by the certificate of the clergyman who joined them in wedlock, or by the testimony of respectable persons having knowledge of the fact, in default of record evidence. The ages and number of children may be as-

certained by the deposition of the mother, accompanied by the testimony of respectable persons having knowledge of them, or by transcript from the parish or town registers, duly authenticated. Similar proof will be required of the marriage of the claimant, if the mother of a deceased officer or seaman, and that she remains a widow.* If the claimant be a dependent sister, like proof will be required of the marriage of her parents and of her relationship to the deceased.

Guardians of minor claimants must in all cases produce evidence of their authority as such, under the seal of the court from which the appointment is obtained.

Applicants of the four last classes above given, who have in any manner aided or abetted the rebellion against the United States Government, are not entitled to the benefits of this act.

Attorneys for claimants must have proper authority from those in whose behalf they appear. Powers of attorney must be signed in the presence of two witnesses, and acknowledged before a duly qualified officer, whose official character must be certified under seal. In all cases, the post-office address of the claimant must be distinctly stated. Applications under this act will be numbered and acknowledged before a duly qualified officer, whose official character must be certified under seal.

In all cases, the post-office address of the claimant must be distinctly stated. Applications under this act will be numbered and acknowledged, to be acted upon in their turn. In filing additional evidence, correspondents should always give the number of the claim, as well as the name of the claimant.

JOSEPH H. BARRETT, Commissioner.

PENSION OFFICE, *July 21st, 1862.*

* Obsolete, see page 111.

ARMY FORMS.

A.

Form of Declaration for an Invalid Pension.

State (District, or Territory) of _____, }
 County of _____, } ss.

On this _____ day of _____, A. D. one thousand eight hundred and _____, personally appeared before me _____ [here state the official character of the person administering the oath], within and for the county and State aforesaid, A B, aged _____ years, a resident of _____, in the State of _____, who, being duly sworn according to law declares that he is the identical _____ who enlisted in the service of the United States at _____, on the _____ day of _____, in the year _____, as a _____, in company _____, commanded by _____, in the _____ regiment of _____ in the war of 1861, and was honorably discharged on the _____ day of _____ in the year _____; that while in the service aforesaid, and in the line of his duty, he received the following wound [or other disability, as the case may be]: [Here give a particular and minute account of the wound or other injury, and state how, when, and where it occurred, where the applicant has resided since leaving the service, and what has been his occupation.]

(Signature of claimant.)

Also personally appeared _____ and _____, residents of [county, city, or town], persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw _____ sign his name [or make his mark] to the foregoing declaration, and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with him, that he is the identical person he represents him-

self to be ; and they further state that they have no interest in the prosecution of this claim.

(Signature of witnesses.)

Applicant's post-office address.

—
B.

Form of Declaration for obtaining a Widow's Army Pension.

State (Territory, or District) of ———, }
County of ———, } *ss.*

On this — day of ———, A. D. one thousand eight hundred and sixty —, personally appeared before me, ——— of the ———, A B, a resident of ———, in the county of ——— and State (Territory, or District) of ———, aged — years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefit of the provision made by the act of Congress approved July 14th, 1862 : that she is the widow of ———, who was in company —, commanded by ———, in the ——— regiment of ———, in the war of 1861 [*here specify the time, place, and cause of death*] ; she further declares that she was married to the said ——— on the — day of ———, in the year ——— ; that her husband, the aforesaid ———, died on the day above mentioned, and that she has remained a widow ever since that period—[*or if she has remarried, and again become a widow, the fact must be stated*]—as will more fully appear by reference to the proof hereto annexed. She also declares that she has not in any manner been engaged in, or aided or abetted, the rebellion in the United States.

(Declarant's signature.)

Also personally appeared ——— and ———, residents of [*county, city, or town*], persons whom I certify to be respectable and entitled to credit, and who, being by me

duly sworn, say that they were present and saw ——— sign her name [*or make her mark*] to the foregoing declaration, and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be, and that they have no interest in the prosecution of this claim.

(Signature of witnesses.)

Sworn to and subscribed before me, this ——— day of ———, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post-office address.

—
C.

Form of Declaration for Minor Children, in order to obtain Army Pension.

State (Territory, or District) of ———, }
County of ———, } *ss.*

On this ——— day of ———, A. D. ———, personally appeared before the ——— of the ———, A B, a resident of ———, in the county of ———, and State (Territory, or District) of ———, aged ——— years, who, being first duly sworn according to law, doth on oath make the following declaration, as guardian of the minor child of ———, deceased, in order to obtain the benefits of the provision made by the act of Congress approved July 14th, 1862, granting pensions to minor children, under sixteen years of age, of deceased officers or soldiers; that he is the guardian of ——— [*naming the minor child or children, his ward or wards*], whose father was a ——— in company —, commanded by ———, in the ——— regiment of ———, in the war of 1861, and that the said ——— died at ———,

on the — day of —, in the year — [*here state the cause of death*]; that the mother of the child — afore-said, died [or, again married, being now the wife of —] on the — day of —, in the year —; and that the date of the birth of his said ward — as follows:

He further declares that the parents of his said ward — were married at —, on the — day of —, in the year —, by —.

(Guardian's signature.)

Sworn to and subscribed on the day and year first above written, before —; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

—
D.

Form of Declaration for Mothers applying for Army Pensions.

State (Territory, or District) of —, }
County of —, } *ss.*

On this — day of —, A. D. —, personally appeared before the —, of the —, A B, a resident of — in the county of —, and State (Territory, or District) of —, aged — years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefits of the provisions made by the act of Congress approved July 14th, 1862: that she is the widow of —, and mother of —, who was a — in company —, commanded by —, in the — regiment of —, in the war of 1861, who [*here state the time, place, and cause of death*]. She further declares that her said son, upon whom she was wholly or in part dependent for support, having left no widow or minor child under sixteen years surviving, declarant makes this application for a pension under the above-

duly sworn, say that they were present and saw ——— sign her name [*or make her mark*] to the foregoing declaration, and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be, and that they have no interest in the prosecution of this claim.

(Signature of witnesses.)

Sworn to and subscribed before me, this ——— day of ———, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post-office address.

—————

C.

Form of Declaration for Minor Children, in order to obtain Army Pension.

State (Territory, or District) of ———, }
County of ———, } *ss.*

On this ——— day of ———, A. D. ———, personally appeared before the ——— of the ———, A B, a resident of ———, in the county of ———, and State (Territory, or District) of ———, aged ——— years, who, being first duly sworn according to law, doth on oath make the following declaration, as guardian of the minor child of ———, deceased, in order to obtain the benefits of the provision made by the act of Congress approved July 14th, 1862, granting pensions to minor children, under sixteen years of age, of deceased officers or soldiers; that he is the guardian of ——— [*naming the minor child or children, his ward or wards*], whose father was a ——— in company —, commanded by ———, in the ——— regiment of ———, in the war of 1861, and that the said ——— died at ———,

on the — day of —, in the year — [*here state the cause of death*]; that the mother of the child — afore-said, died [or, again married, being now the wife of —] on the — day of —, in the year —; and that the date of the birth of his said ward — as follows:

He further declares that the parents of his said ward — were married at —, on the — day of —, in the year —, by —.

(Guardian's signature.)

Sworn to and subscribed on the day and year first above written, before —; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

—
D.

Form of Declaration for Mothers applying for Army Pensions.

State (Territory, or District) of —, }
County of —, } ss.

On this — day of —, A. D. —, personally appeared before the —, of the —, A B, a resident of — in the county of —, and State (Territory, or District) of —, aged — years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefits of the provisions made by the act of Congress approved July 14th, 1862: that she is the widow of —, and mother of —, who was a — in company —, commanded by —, in the — regiment of —, in the war of 1861, who [*here state the time, place, and cause of death*]. She further declares that her said son, upon whom she was wholly or in part dependent for support, having left no widow or minor child under sixteen years surviving, declarant makes this application for a pension under the above-

mentioned act, and refers to the evidence filed herewith, and that in the proper department, to establish her claim.

She also declares that she has not, in any way, been engaged in, or aided or abetted, the rebellion in the United States; that she is not in the receipt of a pension under the second section of the act above mentioned, or under any other act, nor has she again married since the death of her son, the said ———. (Declarant's signature.)

Also personally appeared ——— and ———, residents of [*county, city, or town*], persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw ——— sign her name [*or make her mark*] to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be. (Signature of witnesses.)

Sworn to and subscribed before me, this ——— day of ———, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

—
E.

Form of Declaration of Orphan Sisters for Army Pensions.

State (Territory, or District) of ———, }
County of ———, } ss.

On this ——— day of ———, A. D. ———, personally appeared before the ——— of the ———, A B, a resident of ———, in the county of ———, and State (Territory, or District) of ———, aged ——— years, who, being first duly sworn according to law, doth on oath make the following declaration, in order to obtain a pension under the act of July 14th, 1862: that he is the legally appointed guar-

dian of [*here give the names and ages of his ward or wards*], who — the only surviving child—, under sixteen years of age, of — and — his wife, and sister— of —, who was — in company —, commanded by —, in the — regiment of —, in the war of 1861, who [*here state the time, place, and cause of his death*]. That the brother of his said ward—, upon whom they were wholly or in part dependent for support, having left no widow, minor child or children, or mother, declarant, as guardian, and on behalf of his ward—, refers to the accompanying evidence, and such as may be found in the department, to establish her (or their) claim under the law above named.

He further declares that his said ward — not in the receipt of any pension under said act.

(Guardian's signature.)

Sworn to and subscribed before me, this — day of —, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

F.

The form of certificate of civil surgeons is here omitted, as the appointment of examining surgeons by the Pension Office obviates the necessity for examinations by any others.

NAVY FORMS.

A.

Form of Declaration for a Navy Invalid Pension.

State (District, or Territory) of —, } ss.
 County of —,

On this — day of —, A. D. one thousand eight hundred and —, personally appeared before me, —, [*here*

state the official character of the person administering the oath], within and for the county and State aforesaid, A B, aged — years, a resident of —, in the State of —, who, being duly sworn according to law, declares that he is the identical — who enlisted in the naval service of the United States at —, on the — day of —, in the year —, as a —, and was honorably discharged on the — day of —, in the year —, at —; that his personal description is as follows: [*here state height, complexion, color of hair, occupation, &c.*]; that while in the service aforesaid, and in the line of his duty, he received the following wound [*or other disability, as the case may be*]: [*Here give a particular and minute account of the wound or other injury, and state how, when, and where it occurred, where the applicant has resided since leaving the service, and what has been his occupation*]. He makes this application in order to secure the benefits of the act granting pensions, approved July 14th, 1862.

(Signature of claimant.)

Also personally appeared — and —, residents of [*county, city, or town*], persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw — sign his name [*or make his mark*] to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with him, that he is the identical person he represents himself to be; and they further state that they have no interest in the prosecution of this claim.

(Signatures of witnesses.)

Sworn to and subscribed before me, this — day of —, 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post-office address.

B.

Form of Declaration for obtaining a Widow's Navy Pension.

State (Territory, or District) of ———, }
 County of ———, } ss.

On this ——— day of ———, A. D. ———, personally appeared before me, ——— of the ———, A B, a resident of ———, in the county of ———, and State (Territory, or District of) ———, aged ——— years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefits of the provision made by the act of Congress approved July 14th, 1862, granting pensions: That she is the widow of ———, who was a ——— [*here state decedent's service*], who [*here specify the time, place, and cause of death*]. She further declares that she was married to the said ——— on the ——— day of ———, in the year ———; that her husband, the aforesaid ———, died on the day above mentioned, and that she has remained a widow ever since that period [*or if she has remarried, and again become a widow, the fact must be stated*], as will more fully appear by reference to the proof hereto annexed. The personal description of the said ———, her deceased husband, is as follows: [*here state his age, height, complexion, occupation, &c.*] She also declares that she has not in any manner been engaged in, or aided or abetted, the rebellion in the United States.

(Declarant's signature.)

Also personally appeared ——— and ———, residents of [*county, city, or town*], persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw ——— sign her name [*or make her mark*] to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance

with her, that she is the identical person she represents herself to be, and that they have no interest in the prosecution of this claim. (Signature of witnesses.)

Sworn to and subscribed before me, this — day of —, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim. (Signature of judge or other officer.)

Applicant's post-office address.

C.

Form of Declaration for Minor Children, in order to obtain Navy Pension.

State (Territory, or District) of —, }
County of —, } ss.

On this — day of —, A. D. —, personally appeared before me —, of the —, A. B, a resident of —, in the county of —, and State (Territory, or District) of —, aged — years, who, being first duly sworn according to law, doth on oath make the following declaration, as guardian of the minor child of —, deceased, in order to obtain the benefits of the provision made by the act of Congress, approved July 14th, 1862, granting pensions to minor children, under sixteen years of age, of deceased officers and seamen; that he is the guardian of — [*naming the minor child or children, his ward or wards*], whose father was a — [*here state decedent's service*]; and that the said — died at — on the — day of —, in the year — [*here state the cause of death*]; that the mother of the child— aforesaid died [*or, again married, being now the wife of —*], on the — day of —, in the year —; and that the date of birth of his said ward— as follows:

He further declares that the parents of his said ward—

were married at _____, on the _____ day of _____, in the year _____, by _____. (Guardian's signature.)

Sworn to and subscribed, on the day and year first above written, before _____; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

—
D.

Form of Declaration for Mother's Application for Navy Pension.

State (Territory, or District) of _____, }
County of _____, } ss.

On this _____ day of _____, A. D. _____, personally appeared before the _____ of the _____, A. B., a resident of _____, in the county of _____, and State (Territory, or District) of _____, aged _____ years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefits of the provisions made by the act of Congress approved July 14th, 1862, granting pensions: that she is the widow of _____, and mother of _____, who was a _____ [*here state decedent's service, and personal description*], who [*here state the time, place, and cause of death*].

She further declares that her said son, upon whom she was wholly or in part dependent for support, having left no widow or minor child under sixteen years of age surviving, declarant makes this application for a pension under the above-mentioned act, and refers to the evidence filed herewith, and that in the proper department, to establish her claim.

She also declares that she has not, in any way, been engaged in, or aided or abetted, the rebellion in the United States; that she is not in the receipt of a pension under

the 2d section of the act above mentioned, or under any other act, nor has she again married since the death of her son, the said ———. (Declarant's signature.)

Also personally appeared ——— and ———, residents of [county, city, or town], persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw ——— sign her name [or make her mark] to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be. (Signatures of witnesses.)

Sworn to and subscribed before me, this ——— day of ——— A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post-office address.

—
E.

Form of Declaration of Orphan Sisters for Navy Pension.

State (Territory, or District) of ———, }
County of ———, } ss.

On this ——— day of ———, A. D. ———, personally appeared before the ——— of the ———, A B, a resident of ———, in the county of ———, and State (Territory, or District) of ———, aged ——— years, who, being first duly sworn according to law, doth on oath make the following declaration, in order to obtain a pension under the act of July 14th, 1862: that he is the legally appointed guardian of [here give the names and ages of his ward or wards], who — the only surviving child—, under sixteen years of age, of ——— and ———, his wife, and sister— of ———, who

was a [*here state decedent's service and personal description*], who [*here state the time, place, and cause of his death*]. That the brother of his said ward—, upon whom they were wholly or in part dependent for support, having left no widow, minor child or children, or mother, declarant, as guardian, and on behalf of his ward—, refers to the accompanying evidence, and such as may be found in the proper department, to establish her (or their) claim under the law above named.

He further declares that his said ward, ———, is not in the receipt of any pension under said act.

(Guardian's signature.)

Sworn to and subscribed before me, this — day of ———, A. D. 186—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post-office address.

F.

The form of certificate of civil surgeons is here omitted, as the appointment of examining surgeons by the Pension Office obviates the necessity for examinations by any others.

CHAPTER XVI.

ARTICLES OF WAR.

AN ACT FOR ESTABLISHING RULES AND ARTICLES FOR THE GOVERNMENT OF THE ARMIES OF THE UNITED STATES.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, from after the passing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed.

ART. 1. Every officer now in the army of the United States shall, in six months from the passing of this act, and every officer who shall hereafter be appointed shall, before he enters on the duties of his office, subscribe these rules and regulations.

ART. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service; and all officers who shall behave indecently or irreverently at any place of divine worship shall, if commissioned officers, be brought before a general court martial, there to be publicly and severely reprimanded by the president; if non-commissioned

* These rules and articles, with the exceptions indicated by the notes annexed to articles 10, 20, 65, and 87, remain unaltered, and are in force at present.

officers or soldiers, every person so offending shall, for his first offence, forfeit one sixth of a dollar, to be deducted out of his next pay; for the second offence he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence, shall suffer and pay in like manner; which money so forfeited, shall be applied, by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

ART. 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay, for each and every such offence, one dollar, to be applied as in the preceding article.

ART. 4. Every chaplain commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him (excepting in cases of sickness or leave of absence), shall, on conviction thereof before a court martial, be fined, not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court martial shall judge proper.

ART. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the chief magistrate or legislature of any of the United States, in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court martial.

ART. 6. Any officer or soldier who shall behave himself with contempt or disrespect toward his commanding officer, shall be punished according to the nature of his offence, by the judgment of a court martial.

ART. 7. Any officer or soldier who shall begin, excite,

cause, or join in any mutiny or sedition, in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court martial shall be inflicted.

ART. 8. Any officer, non-commissioned officer, or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court martial with death, or otherwise, according to the nature of his offence.

ART. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court martial.

ART. 10. Every non-commissioned officer or soldier, who shall enlist himself in the service of the United States, shall at the time of his so enlisting, or within six days afterward, have the articles for the government of the armies of the United States read to him, and shall, by the officer who enlisted him or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army,* or, where recourse cannot be had to the civil magistrate, before the judge advocate, and in his presence shall take the following oath or affirmation: "I, A B, do solemnly swear, or affirm (as the case may be), that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever; and observe and obey the orders of the Presi-

* By section 11 of chap. 42, August 3d, 1861, the oath of enlistment and reenlistment may be administered by any commissioned officer of the army.

dent of the United States, and the orders of the officers appointed over me, according to the rules and articles of the government of the armies of the United States." Which justice, magistrate, or judge advocate is to give to the officer a certificate signifying that the man enlisted did take the said oath or affirmation.

ART. 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient which is not signed by a field officer of the regiment to which he belongs, or commanding officer where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer or soldier before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court martial, nor shall a commissioned officer be discharged the service but by order of the President of the United States, or by sentence of a general court martial.

ART. 12. Every colonel, or other officer commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack of the United States (his field officer being absent), may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, except some extraordinary occasion should require it.

ART. 13. At every muster, the commanding officer of each regiment, troop, or company, there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop, or company, certificates signed by

himself, signifying how long such officers as shall not appear at the said muster have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company shall give certificates, signifying the reason of the absence of the non-commissioned officers and private soldiers; which reasons and time of absence shall be inserted in the muster rolls, opposite the names of the respective absent officers and soldiers. The certificates shall, together with the muster rolls, be remitted by the commissary of musters, or other officer mustering, to the Department of War, as speedily as the distance of the place will admit.

ART. 14. Every officer who shall be convicted before a general court martial of having signed a false certificate relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

ART. 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters who shall willingly sign, direct, or allow the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof, by two witnesses, before a general court martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

ART. 16. Any commissary of musters, or other officer, who shall be convicted of having taken money or other thing, by way of gratification, on mustering any regiment, troop, or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

ART. 17. Any officer who shall presume to muster a person as a soldier who is not a soldier shall be deemed guilty of having made a false muster, and shall suffer accordingly.

ART. 18. Every officer who shall knowingly make a

false return to the Department of War, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop, or company, or garrison under his command, or of the arms, ammunition, clothing, or other stores thereunto belonging, shall, on conviction thereof before a court martial, be cashiered.

ART. 19. The commanding officer of every regiment, troop, or independent company, or garrison of the United States, shall, in the beginning of every month, remit through the proper channels, to the Department of War, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished, according to the nature of his crime, by the judgment of a general court martial.

ART. 20. All officers and soldiers who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.*

ART. 21. Any non-commissioned officer or soldier who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

ART. 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case

* No officer or soldier in the army of the United States shall be subject to the punishment of death for desertion in time of peace. Act 29th May, 1830.

any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court martial, be cashiered.

ART. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.*

ART. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest, if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer:

ART. 25. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge if sent, upon pain, if a commissioned officer, of being cashiered, if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court martial.

ART. 26. If any commissioned or non-commissioned officer commanding a guard shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters, and carriers of challenges, in order to duels, shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given or accepted by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

ART. 27. All officers, of what condition soever, have

* See note on page 285.

power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company, and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer (though of an inferior rank), or shall draw his sword upon him, shall be punished at the discretion of a general court martial.

ART. 28. Any officer or soldier who shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

ART. 29. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveille, or upon Sundays during divine service or sermon, on the penalty of being discharged from all future suttling.

ART. 30. All officers commanding in the field, forts, barracks, or garrisons of the United States, are hereby required to see that the persons permitted to suttle shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

ART. 31. No officer commanding in any of the garrisons, forts, or barracks of the United States, shall exact exorbitant prices for houses or stalls, let out to sutlers, or connive at the like exactions in others, nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessaries of life brought into the garrison, fort,

or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

ART. 32. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; if upon complaint made to him of officers or soldiers beating or otherwise ill-treating any person, or disturbing fairs or markets, or of committing any kind of riots, to the disquieting of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, so far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished, as a general court martial shall direct.

ART. 33. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence or committed any offence against the person or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop, or company to which the person or persons so accused shall belong, are hereby required, upon application duly made by, or in behalf of, the party or parties injured, to use their utmost endeavors to deliver over such accused person or persons to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons accused, in order to bring him or them to trial. If any commanding officer or officers shall wilfully neglect, or shall refuse upon the application aforesaid to deliver over such accused person or persons to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person or persons, the officer or officers so offending shall be cashiered.

ART. 34. If any officer shall think himself wronged by

his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general commanding in the State or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the Department of War, a true statement of such complaint with the proceedings had thereon.

ART. 35. If any inferior officer or soldier shall think himself wronged by his captain or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial, for the doing justice to the complainant, from which regimental court martial either party may, if he thinks himself still aggrieved, appeal to a general court martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person so appealing shall be punished at the discretion of the said court martial.

ART. 36. Any commissioned officer, store keeper, or commissary, who shall be convicted at a general court martial of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores belonging to the United States to be spoiled or damaged, shall, at his own expense, make good the loss or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

ART. 37. Any non-commissioned officer or soldier, who shall be convicted at a regimental court martial of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

ART. 38. Every non-commissioned officer or soldier who shall be convicted before a court martial of having sold,

lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay), as such court martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement, or such other corporeal punishment as his crime shall deserve.

ART. 39. Every officer who shall be convicted before a court martial of having embezzled or misapplied any money with which he may have been entrusted, for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

ART. 40. Every captain of a troop or company is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

ART. 41. All non-commissioned officers and soldiers who shall be found one mile from the camp, without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court martial.

ART. 42. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court martial.

ART. 43. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

ART. 44. No officer, non-commissioned officer, or soldier,

shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous appointed by his commanding officer, if not prevented by sickness or some other evident necessity, or shall go from the said place of rendezvous without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished, according to the nature of his offence, by the sentence of a court martial.

ART. 45. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial.

ART. 46. Any sentinel who shall be found sleeping upon his post or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court martial.

ART. 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

ART. 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced, and every commissioned officer knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court martial.

ART. 49. Any officer belonging to the service of the United States, who, by discharging of firearms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 50. Any officer or soldier who shall, without urgent

necessity, or without the leave of his superior officer, quit his guard, platoon, or division shall be punished, according to the nature of his offence, by the sentence of a court martial.

ART. 51. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States, employed in any part of the said States, upon pain of death, or such other punishment as a court martial shall direct.

ART. 52. Any officer or soldier who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like, or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 53. Any person belonging to the armies of the United States, who shall make known the watchword to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watchword different from what he received, shall suffer death or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 54. All officers and soldiers are to behave themselves orderly in quarters and on their march, and whoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish ponds, houses, or gardens, corn fields, inclosures of meadows, or shall maliciously destroy any property whatsoever belonging to the inhabitants of the United States, unless by order of the then commander-in-chief of the armies of the said States, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence by the judgment of a regimental or general court martial.

ART. 55. Whosoever, belonging to the armies of the United States in foreign parts, shall force a safeguard, shall suffer death.

ART. 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

ART. 57. Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

ART. 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

ART. 59. If any commander, of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give it up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court martial.

ART. 60. All sutlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United States in the field, though not enlisted men, are to be subject to orders, according to the rules and discipline of war.

ART. 61. Officers having brevets or commissions of a prior date to those of the regiment in which they serve, may take place in courts martial, and on detachments, when composed of different corps, according to the ranks given them in their brevets or dates of their former commissions; but in the regiment, troop, or company to which such officers belong, they shall do duty and take rank both in courts martial and on detachments which shall be composed of

their own corps according to the commissions by which they are mustered in the said corps.

ART. 62. If upon marches, guards, or in quarters, different corps of the army should happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission, there on duty in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

ART. 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect to which their rank in the army may entitle them respectively, and are liable to be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

ART. 64. General courts martial may consist of any number of commissioned officers, from five to thirteen, inclusively; but they shall not consist of less than thirteen where that number can be convened without manifest injury to the service.

ART. 65.* Any general officer commanding an army, or colonel commanding a separate department, may appoint

* Whenever a general officer commanding an army, or a colonel commanding a separate department, shall be the accuser or prosecutor of any officer in the army of the United States, under his command, the general court martial for the trial of such officer shall be appointed by the President of the United States. The proceedings and sentence of the said court shall be sent directly to the Secretary of War, to be by him laid before the President, for his confirmation or approval, or orders in the case.

So much of the sixty-fifth article of the first section of "An Act for establishing Rules and Articles for the government of the armies of the United States," passed on the 10th of April, 1806, as is repugnant hereto, shall be and the same is hereby repealed. Act 29th May, 1830, sections 1, 2, 3.

general courts martial whenever necessary. But no sentence of a court martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court martial, in the time of peace, extending to the loss of life, or the dismissal of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceeding shall have been transmitted to the Secretary of War, to be laid before the President of the United States for his confirmation or disapproval, and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

ART. 66. Every officer commanding a regiment or corps may appoint, for his own regiment or corps, courts martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose all officers commanding any of the garrisons, forts, barracks, or other places where the troops consist of different corps, may assemble courts martial, to consist of three commissioned officers, and decide upon their sentences.

ART. 67. No garrison, or regimental court martial shall have the power to try capital cases or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier, for a longer time than one month.

ART. 68. Whenever it may be found convenient and necessary to the public service, the officers of the marines shall be associated with the officers of the land forces, for the purpose of holding courts martial, and trying offenders belonging to either; and, in such cases, the orders of the senior officer of either corps who may be present and duly authorized, shall be received and obeyed.

ART. 69. The judge advocate, or some person deputed by him, or by the general, or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself, and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts martial: "You, A B, do swear that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice according to the provisions of 'An Act establishing Rules and Articles for the Government of the Armies of the United States,' without partiality, favor, or affection; and if any doubt should arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness, by a court of justice in due course of law. So help you God."

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

"You, A B, do swear, that you will not disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper au-

thority, until it shall be duly disclosed by the same. So help you God.”

ART. 70. When a prisoner, arraigned before a general court martial, shall, from obstinacy and deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

ART. 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

ART. 72. All the members of a court martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

ART. 73. All persons who give evidence before a court martial are to be examined on oath or affirmation, in the following form:

“ You swear, or affirm (as the case may be), the evidence you shall give in the cause now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.”

ART. 74. On the trials of cases not capital, before courts martial, the deposition of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence, provided the prosecutor and person accused are present at the taking the same, or are duly notified thereof.

ART. 75. No officer shall be tried but by a general court martial, nor by officers of an inferior rank, if it can be avoided. Nor shall any proceedings of trials be carried on, excepting between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court martial require immediate example.

ART. 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished at the discretion of the said court martial.

ART. 77. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

ART. 78. Non-commissioned officers and soldiers, charged with crimes shall be confined until tried by a court martial, or released by proper authority.

ART. 79. No officer or soldier who shall be put in arrest shall continue in confinement more than eight days, or until such time as a court martial can be assembled.

ART. 80. No officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

ART. 81. No officer commanding a guard, or provost marshal, shall presume to release any person committed to his charge without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court martial.

ART. 82. Every officer or provost marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make a report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court martial.

ART. 83. Any commissioned officer convicted before a general court martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

ART. 84. In cases where a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

ART. 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode, and punishment of the delinquent, be published in the newspapers in and about the camp, and of the particular State from which the offender came, or where he usually resides; after which it shall be deemed scandalous for an officer to associate with him.

ART. 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or department, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 87.* No person shall be sentenced to suffer death but by the concurrence of two-thirds of the members of a general court martial, nor except in the cases herein expressly mentioned, *nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court martial;* and no officer, non-commissioned officer, soldier, or follow-

* So much of these rules and articles as authorizes the infliction of corporeal punishment by stripes or lashes, was specially repealed by act of 16th May, 1812. By act of 2d March, 1833, the repealing act was repealed, so far as it applied to the crime of desertion, which of course revived the punishment by lashes for that offence. Flogging was totally abolished by section 3 of chapter 54, 5th August, 1861.

er of the army shall be tried a second time for the same offence.

ART. 88. No person shall be liable to be tried and punished by a general court martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself or some manifest impediment, shall not have been amenable to justice within that period.

ART. 89. Every officer authorized to order a general court martial shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by Article 65) to carry them into execution, he may suspend, until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the President for his determination. And the colonel or commanding officer of the regiment or garrison where any regimental or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

ART. 90. Every judge advocate or person officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial to the Secretary of War; which said original proceedings and sentence shall be carefully kept and preserved in the office of said Secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

The party tried by any general court martial shall, upon demand thereof, made by himself or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court martial.

ART. 91. In cases where the general, or commanding

officer, may order a court of inquiry to examine into the nature of any transaction, accusation, or imputation against any officer or soldier; the said court shall consist of one or more officers, not exceeding three, and a judge advocate, or other suitable person as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

ART. 92. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer, and the said proceedings may be admitted as evidence by a court martial, in cases not capital, or extending to the dismissal of an officer, provided that the circumstances are such that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

ART. 93. The judge advocate or recorder shall administer to the members the following oath: "You shall well and truly examine and enquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God." After which the president shall administer to the judge advocate or recorder the following oath: "You, A B, do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God."

The witnesses shall take the same oath as witnesses sworn before a court martial.

ART. 94. When any commissioned officer shall die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, or the assistant military agent, shall immediately secure all his effects, or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the Department of War, to the end that his executors or administrators may receive the same.

ART. 95. When any non-commissioned officer or soldier shall die, or be killed in the service of the United States, the then commanding officer of the troop or company shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the Department of War, which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier. And, in case any of the officers so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to the representatives for the same, have occasion to leave the regiment or post, by preferment or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to their respective representatives.

ART. 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay or hire in the service of the artillery or corps of engineers of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

ART. 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times, and in all places when joined or acting in conjunction with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers in the regular forces; save only that such courts martial shall be composed entirely of militia officers.

ART. 98. All officers serving by commission from the authority of any particular State, shall, on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or State officers may be older than the commissions of the officers of the regular forces of the United States.

ART. 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion.

ART. 100. The President of the United States shall have power to prescribe the uniform of the army.

ART. 101. The foregoing articles are to be read and published, once in every six months, to every garrison, regiment, troop, or company mustered, or to be mustered, in the service of the United States, and are to be duly observed and obeyed by all officers and soldiers who are or shall be in said service.

SEC. 2. *And be it further enacted,* That, in time of war, all persons, not citizens of, or owing allegiance to the United States of America, who shall be found lurking as spies in or about the fortifications or encampments of the

armies of the United States or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court martial.

SEC. 3. *And be it further enacted*, That the rules and regulations by which the armies of the United States have heretofore been governed, and the resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them prior to the promulgation of this act, at the several posts and garrisons respectively, occupied by any part of the army of the United States.

Approved April 10th, 1806.

CHAPTER XL, SECOND SESSION, THIRTY-SEVENTH CONGRESS.

Be it enacted by the Senate and House of Representatives, in Congress assembled, That hereafter the following shall be promulgated as an additional article of war for the government of the army of the United States, and shall be obeyed and observed as such :

ART. —. All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor, who may have escaped from any persons to whom such service or labor is claimed to be due, and any officer who shall be found guilty by a court martial of violating this article shall be dismissed from the service.

Approved March 13th, 1862.

CHAPTER XVII.

GENERAL ORDERS OF THE WAR DEPARTMENT.

APPLICATIONS FOR INFORMATION CONCERNING LEAVES OF ABSENCE TO OFFICERS, AND INSTRUCTIONS TO OFFICERS ON LEAVE OF ABSENCE.

1. LEAVES of absence can only be granted by the Secretary of War ;* for which application must be made to the adjutant-general of the army, with surgeon's certificate of disability. *Except*, that the commander of an army, a department, or district, may give twenty days, if a change of location is immediately demanded to save life or prevent permanent disability.

2. When not otherwise specified, leaves of absence will commence the day an officer is relieved from duty at his post, after receiving the order granting him leave.

3. At the expiration of his leave, the officer must report in person *with his command*, and *not* at the office from which his leave issued.

4. No officer is permitted to visit Washington without special permission from the Secretary of War, which must be stated in the order granting leave of absence.

5. If an officer be not able to travel at the expiration of

* The Secretary of War may from time to time delegate this authority to the commanders of departments or armies in the field.

his sick leave, he must report his address to the commander of his post, regiment, or corps, and also to the adjutant-general of the army; and in his first report state the day when his leave of absence commenced. These reports must be repeated every twenty days, and each one must be accompanied by the certificate of a medical officer of the army, made in the usual form, and stating that the officer is not able to travel. If there is no army physician in the place where the officer resides, the certificate of a citizen physician, the truth of which must be sworn to before a civil magistrate, may be substituted. Extensions of leave are not granted in orders.

6. Invalid and wounded officers, although their disability may not have been entirely removed, should go, as soon as they are able to travel—those whose regiments are serving in the East, to Annapolis; those whose regiments are serving in the West, to Camp Chase, Ohio. At those points they will remain until able to proceed to their regiments, or until an examining board may decide adversely on their ability to return to duty within a reasonable time, when orders will be given for their discharge.

7. The only excuses allowed for absence are :

1st. An order for leave (as described in paragraph 1).

2d. Disability from wounds received in service.

3d. Disability from disease that renders the party unfit for military duty.

But any officer whose health permits him to visit watering places, or places of amusement, or to make social visits, or walk about the town, city, or neighborhood in which he may be, will be considered fit for military duty, and as evading duty by absence from his command.

8. When an officer has been compelled by ill health, or wounds, to remain absent beyond the time granted him in orders, the surgeon's certificate which he forwards will authorize his absence, if it shall be found satisfactory. On his return to his command he may be tried by a court martial :

or a military commission, appointed by the general commanding his division, army corps, or army, may examine his papers, and determine whether he was absent from proper and sufficient cause.

9. An officer cannot draw pay for any time of his absence after his leave granted in orders expires, until the court or commission which judges his case after his return to his command, reports favorably.

10. Officers of volunteer regiments who have been absent from duty more than sixty days on account of wounds, or disease contracted in the line of their duty, and who are still unable to return to duty, are liable to be honorably discharged, in order that their places may be filled by others fit for field service. For this class of officers Congress has provided pensions. If they subsequently become fit for active duty, they are eligible to a new appointment, at the discretion of the Governor of their State.

11. In case of continued disability for active duty, officers who have made the reports described in paragraph 5, may, if they so desire, tender their resignations direct to the adjutant-general of the army.

APPLICATION FOR FURLOUGH OR EXTENSION OF FURLOUGH.

Furloughs to soldiers sick in general hospitals cannot be granted except by special authority from the War Department—either in each individual case, or general authority to the department commander to grant such furloughs.

General Orders, No. 65, of 1862.

III. Furloughs will not be given by captains of companies or colonels of regiments on any pretext whatever.* A furlough from such authority will not relieve a soldier from the charge of desertion.

Enlisted men absent from their regiments without prop-

* See act of Congress approved March 8d, 1863.

er authority, are in fact *deserters*, and not only forfeit all pay and allowances, but are subject to the penalties awarded by law to such offenders. No plea of sickness, nor other cause not *officially* established, and no certificate of a physician in civil life, unless it be approved by some officer acting as a military commander, will hereafter avail to remove the charge of desertion, or procure arrears of pay, when a soldier has been mustered as absent from his regiment without leave.

By application to the Governors of their States, or to any military commander, or United States mustering officer in a city, transportation can be procured to their regiments by soldiers who are otherwise able to join them.

Where no military commander has been appointed, the senior officer of the army on duty as mustering or recruiting officer of the place, is hereby authorized and required to act in that capacity until another may be appointed.

General Orders, No. 72, of 1862.

III. No more furloughs will be granted to paroled prisoners. All furloughs heretofore given to them are revoked; and all prisoners now at large on their parole, or who may hereafter be paroled by the rebel authorities, will immediately repair—if belonging to regiments raised in the New England and Middle States, to the camp of instruction established near Annapolis, Md.; if belonging to regiments raised in the States of Virginia, Tennessee, Kentucky, Ohio, Indiana, and Michigan, to Camp Chase, near Columbus, Ohio; if belonging to regiments raised in the States of Illinois, Wisconsin, Minnesota, Iowa, and Missouri, to the camp near Jefferson Barracks, Mo.,—and report for such duty, compatible with their parole, as may be assigned to them by the officers in command of said camps. And all, whether officers or soldiers, who fail to comply with this order within the space of time necessary for them to do so, will be accounted *deserters*, and dealt with accordingly.

General Orders, No. 78, of 1862.

Paragraph I. The many evils which arise from giving furloughs to enlisted men, require that the practice shall be discontinued. Hospitals, provided with ample medical attendance, nurses, food, and clothing, are established by the Government, at great expense, not only near the scenes of active military operations, but in many of the Northern States. When it is expedient and advisable, sick and wounded patients may, under the direction of the surgeon-general, be transferred in parties, but not in individual cases, to hospitals at the North; and as far as practicable, the men will be sent to States in which their regiments were raised, provided United States hospitals have been established there. Such regulations will be adopted at all the hospitals as will permit relatives and friends to visit the patients, and furnish them with comforts, at such hours and in such manner as will not interfere with the discipline of the hospitals and the welfare of the mass of patients. The men will thus be under the fostering care of the Government while unfit for duty; will be in position to be promptly discharged, if proper; and, being always under military control, will be returned to their regiments as soon as they are able to resume their duties. The unauthorized removal of soldiers from under the control of the United States authorities, by any agents whatever, subjects them to loss of pay and other penalties of desertion.

General Orders, No. 92, of 1862.

The absence of officers and privates from their duty under various pretexts, while receiving pay, at great expense and burden to the Government, makes it necessary that efficient measures be taken to enforce their return to duty, or that their places be supplied by those who will not take pay while rendering no service. This evil, moreover, tends greatly to discourage the patriotic impulses of those

who would contribute to support the families of faithful soldiers.

It is therefore ordered by the President—

I. That on Monday, the 11th day of August, all leaves of absence and furloughs, by whomsoever given, unless by the War Department, are revoked and absolutely annulled, and all officers capable of service are required forthwith to join their respective commands, and all privates capable of service to rejoin their regiments, under penalty of dismissal from the service, or such penalty as a court martial may award, unless the absence be occasioned by lawful cause.

II. The only excuses allowed for the absence of officers or privates after the 11th day of August, are :

1st. The order or leave of the War Department.

2d. Disability from wounds received in service.

3d. Disability from disease that renders the party unfit for military duty. But any officer or private whose health permits him to visit watering places or places of amusement, or to make social visits, or walk about the town, city, or neighborhood in which he may be, will be considered fit for military duty, and as evading duty by absence from his command or ranks.

III. On Monday, the eighteenth day of August, at 11 o'clock A. M., each regiment and corps shall be mustered. The absentees will be marked, three lists of the same made out, and within forty-eight hours after the muster, one copy shall be sent to the adjutant-general of the army, one to the commander of the corps, the third to be retained ; and all officers and privates fit for duty absent at that time will be regarded as absent without cause, their pay will be stopped and they dismissed from the service, or treated as deserters, unless restored ; and no officer shall be restored to his rank unless, by the judgment of a court of inquiry, to be approved by the President, he shall establish that his absence was with good cause.

V. A commissioner shall be appointed by the Secretary of War to superintend the execution of this order in the respective States.

The United States marshals in the respective districts, the mayor, and chief of police of any town or city, the sheriffs of the respective counties in each State, all postmasters and justices of the peace, are authorized to act as special provost-marshals, to arrest any officer or private soldier, fit for duty, who may be found absent from his command without just cause, and convey him to the nearest military post or depot. The transportation, reasonable expenses of this duty, and five dollars, will be paid for each officer or private so arrested and delivered.

The rule as stated above applies to extensions of furlough as well as to the furlough itself, and soldiers on furlough, and unable to report as ordered, must place themselves under the charge of the nearest United States military authority; if unable to do so in person, they must report by letter for instructions, accompanying the letter by a full history of the case and proper medical certificates as vouchers, at the same time reporting their action to the authority granting the furlough. This report, to make it official, should be indorsed as approved by the officer under whose charge they may place themselves.

General Orders, No. 73, of 1863.

6. An Act for enrolling and calling out the National Forces, and for other purposes.

* * * * *

SEC. 32. *And be it further enacted,* That the commanders of regiments and of batteries in the field are hereby authorized and empowered to grant furloughs for a period not exceeding thirty days at any one time to five per centum of the non-commissioned officers and privates, for good conduct in the line of duty, and subject to the approval of the commander of the forces of which such non-commissioned officers and privates form a part.

* * * * *

Approved March 3d, 1863.

APPLICATION FOR DISCHARGE ON ACCOUNT OF DISABILITY.

Revised Army Regulations of 1863.

Paragraph 167. Whenever a non-commissioned officer or soldier shall be unfit for the military service, in consequence of wounds, disease, or infirmity, his captain shall forward to the commander of the department or of the army in the field, through the commander of the regiment or post, a statement of his case, with a certificate of his disability, signed by the senior surgeon of the hospital, regiment, or post, according to the form prescribed in the medical regulations.

Paragraph 168. If the recommendation for the discharge of the invalid be approved, the authority therefor will be indorsed on the "certificate of disability," which will be sent back to be completed and signed by the commanding officer, who will then send the same to the adjutant-general's office.

General Orders, No. 53, of 1862.

Par. II. An Act to facilitate the discharge of enlisted men for physical disability.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the medical inspector-general, or any medical inspector, is hereby authorized and empowered to discharge from the service of the United States any soldier or enlisted man, with the consent of such soldier or enlisted man, in the permanent hospitals, laboring under any physical disability which makes it disadvantageous to the service that he be retained therein; and the certificate, in writing, of such inspector-general or medical inspector, setting forth the existence and nature of such physical disability, shall be sufficient evidence of such discharge: *Provided, however,* That every such certificate shall appear on its face to have been founded on personal inspection of the soldier so dis-

charged, and shall specifically describe the nature and origin of such disability; and that such discharge shall be without prejudice to the right of such soldier or enlisted man to the pay due him at the date thereof, and report the same to the adjutant-general and the surgeon-general.

Approved May 14th, 1862.

General Orders, No. 65, of 1862.

Paragraph III. Extract.

Each military commander (see extract from General Order 65, above) will publish, three times, in some newspaper, a brief notice, requiring all United States soldiers in that city and the country around, who are not under treatment in a United States hospital, to report themselves to him without delay, on penalty of being considered deserters. In cases of serious disability from wounds or sickness, which may prevent obedience to this requirement, the soldier must furnish a certificate of a physician of good standing, describing his case, on which, if satisfactory, the military commander may grant a discharge on the prescribed form of a certificate of disability, made out strictly according to the regulations. But no discharges will be given on account of rheumatism, or where there is a prospect of recovery within a reasonable time.

Directions printed on "Certificates of Disability."

The company commander will make a statement of all the *facts* known to him concerning the disease or wound, or cause of disability of the soldier; the time, place, manner, and all the circumstances under which the injury occurred, or disease originated or appeared; the duty, or service, or situation of the soldier at the time the injury was received or disease contracted, stating particularly whether the injury was received or the disease contracted in the line of his duty; and whatever other facts may aid a judgment as to the cause, immediate or remote, of the disability, and the circumstances attending it.

When the *facts* are not known to the company commander, the certificate of any officer, or affidavit of other person having such knowledge, will be appended—as the surgeon in charge of a hospital, the officer commanding a detachment of recruits, &c., &c.

When a *probable* case for *pension, special care* must be taken to state the *degree* of disability, as $\frac{1}{2}$, $\frac{1}{3}$, &c., &c. ; to describe particularly the disability, wound, or disease ; the extent to which it deprives him of the use of any limb or faculty, or affects his health, strength, activity, constitution, or capacity to labor and earn his subsistence. The surgeon will add, from his knowledge of the facts and circumstances, and from the evidence in the case, his professional opinion of the cause or origin of the disability. In the case of discharges by medical inspectors, the last paragraph will state the “discharge was given by consent of the soldier, after a personal examination, and for disability, the nature, degree, and origin of which are correctly described in the within certificate.”—Paragraph 1296 Regulations, edit. 1863.

Medical officers, in giving certificates of disability, are to take particular care in all cases that have not been under their charge ; and especially in epilepsy, convulsions, chronic rheumatism, derangement of the urinary organs, ophthalmia, ulcers, or any obscure disease liable to be feigned or purposely produced ; and in no case shall such certificate be given until after sufficient time and examination to detect any attempt at deception.

Certificates of disability will be made out in *duplicate* by the soldier's company commander, or other officer commanding the separate detachment to which he belongs, and sent by him to the surgeon who has charge of the hospital where the soldier is sick. The surgeon will then fill out and sign the surgeon's certificate, and forward these papers to the regimental, detachment, or post commander, who will forward them, with his action indorsed thereon, through the proper channel, to his division commander ; or, if the

are not attached to a division, to his corps, department, or other commander or officer to whom the authority to discharge enlisted men may be specially delegated. These certificates, after having received the action of the highest authority to which they are required to be sent, will be returned through the same channel to the regimental, post, or detachment commander, who will, if the discharge is authorized by the indorsement of the proper authority, sign the soldier's discharge, and the last certificate *on the certificate of disability*, see that the soldier is furnished with the proper final statements in duplicate, and forward BOTH of these certificates of disability *direct* to the adjutant-general, United States army, at Washington, D. C.; they will not under any circumstances be given into the hands of the soldier.

Published on the 5th of October, 1863.

The following instructions, received from the general-in-chief, are furnished for the information and guidance of all concerned :

Drafted men and substitutes, disabled since entry into service, will, in future, be transferred to the invalid corps, and discharged in the same manner as other soldiers; but in cases where disability existed before entry into service, a board of three officers (two line and one medical, to be convened by the commanding officer of the regiment), will render, in addition to the usual medical certificates (upon which the soldier will be discharged in the usual manner with pay and allowances, except in cases of fraud), a special report, with a full history of the case, giving the names of the board of enrolment, the State and district to which they belong, that proper steps may at once be taken to prevent recurrence of such cases.

Men drafted, and substitutes, will not be discharged for disability existing before entry into service, until they have been with the regiment to which assigned at least one week.

APPLICATION FOR DISCHARGE ON ACCOUNT OF MINORITY.

General Orders, No. 15, of 1862—Paragraph III.

2. An Act making an appropriation for completing the defences of Washington, and for other purposes.

SEC. 2. *And be it further enacted,* That the fifth section of the act of twenty-eighth September, eighteen hundred and fifty, providing for the discharge from the service of minors enlisted without the consent of their parents or guardians, be, and the same hereby is, repealed: *Provided,* that hereafter no person under the age of eighteen shall be mustered into the United States service, and the *oath of enlistment* taken by the recruit shall be conclusive as to his age.

Approved February 13th, 1862.

Discharges on account of minority, as above explained, are not therefore granted at this Department. If the soldier is a proper subject for discharge on account of weakness, sickness, wounds, &c. (disability), see page 313 *et seq.*

Revised Army Regulations of 1863.

Paragraph 1371. Every enlisted man discharged as a minor, or for other cause involving fraud on his part in the enlistment, or discharged by the civil authority, shall forfeit all pay and allowances due at the time of the discharge, and shall not receive any final statements.

APPLICATION FOR DESCRIPTIVE LISTS.

It is the duty of the company commander to furnish descriptive lists when a soldier leaves his company, either from sickness or on detached service, and also upon the application of the proper person—such as a military commander, a surgeon in charge of a hospital at a place where there is no military commander, the commander of the detachment in which a soldier may be serving, &c., &c.

General Orders, No. 30, of 1862.

Paragraph 5. Justice to enlisted men who are separated from their companies requires that they should have with them descriptive rolls showing the pay due them, their

clothing accounts, and everything which would be required in settling with the Government, should they be discharged. Without such papers, the men cannot receive the pay due them. The especial attention of company commanders is directed to this subject.

General Orders, No. 36, of 1862.

Paragraph 3. The final statements, and all the discharge papers, will be made out under the supervision of the military commander, and signed by him when the soldier is not in a United States hospital or under the charge of a United States surgeon. But if he is under a United States surgeon, or in a United States hospital, the surgeon will, in either case, make out and sign the discharge and final statements, after the military commander has indorsed the authority to discharge the soldier upon the usual discharge and certificates of disability. Where the men are provided with their descriptive rolls, there will be no delay in discharging them after their certificates of disability are acted on. But if they have no descriptive rolls, application will be made to the company commander for the proper discharge papers, and the men may be maintained at the hospital a reasonable time while awaiting them, to avoid their being turned off without means of support. The discharge will, in all cases, bear the date when the papers are actually furnished the soldier.

Paragraph 4. When a man is received in any hospital without his descriptive roll, the fact will be immediately reported by the medical officer in charge to the military commander, who will at once call on the company commander, in the name of the Secretary of War, promptly to furnish the military history of the man, and his clothing, money, and other accounts with the Government.

Paragraph 5. When too long a delay would arise in discharging the man because of the remote station of his company, application will be made by the medical officer to the adjutant-general for such account of the man as his records

will furnish. To this partial descriptive roll the medical officer will add the period for which pay is due to the man since his entry into the hospital. The man will then be discharged, and receive the pay and travelling allowances thus shown to be due him, leaving the balance due him on account of clothing, retained pay, &c., for settlement in such manner as may hereafter be determined.

Note 1 to Par. V.

“In cases where too long a delay would arise in discharging a man because of the remote station of his company,” and when no descriptive list, or partial descriptive list, can be obtained from the adjutant-general’s office, the men referred to will be discharged under this order, and an order given them on the quartermaster’s department for transportation to their homes. This order will be signed by the same officer who signs the discharge. The quartermaster’s department will furnish transportation to such men, upon the presentation of this order, requiring them also to show their discharge.

Note 2 to Par. V.

The sentence (in paragraph 5, above), “To this partial descriptive roll the medical officer will add the period for which pay is due the man since his entry into the hospital,” will be understood to give him pay *on his final statement* from the muster *next preceding* his entry into the hospital until the date of his discharge.

General Orders, No. 72, of 1862.

Paragraph 1. Whenever sick men, paroled prisoners, or others, under circumstances entitling them to their descriptive lists and accounts of pay and clothing, &c., are sent away from their regiments, or, being already separated from their regiments, are discharged from any hospital or moved from point to point in a body, they will be put under charge of a trusty officer or non-commissioned officer—to be selected, if possible, from their own number—who

will exercise command over the party and conduct it to its destination. And to this officer or non-commissioned officer will be confided the descriptive lists of all; for the safe-keeping of which, until properly turned over with each soldier, he will be held strictly accountable. Detailed instructions, in writing, for his guidance and government during the journey, will, in every case, if possible, be furnished to such officer by his last commander. And should he himself be compelled to make any detachments from his party, he will, in each case, observe the same rules.

Paragraph 5. The commanders of the different camps of instruction, to which paroled men are sent, will have them organized into companies and battalions, keeping those of the same regiment and of the same State as much together as possible; and will have correct *muster rolls* of them made out and forwarded to this office; and, on the 15th day of every muster month, will furnish a list of them to the company commanders; from whom, in return, they will procure full and exact *descriptive lists* of each man, and accounts of the pay, clothing, &c., due to or from him to the Government.

General Orders, No. 86, of 1862.

Paragraph 1. Descriptive lists and accounts of the pay, clothing, &c., of soldiers, *will never, where it can be avoided, be given into their own hands.* Such papers should be intrusted only to the officer, or non-commissioned officer, in charge of the party with which they are.

Paragraph 2. Except in such cases as that of an ordnance sergeant, specially assigned to duty at a post where there are no troops, and where he cannot be regularly mustered, no soldier must be paid on a mere descriptive list and account of pay and clothing, but only upon the muster and pay roll of his company, detachment, or party, or on that of a general hospital, if he be there sick or on duty. No payments will, therefore, be made to enlisted men on furlough.

Whenever a soldier is discharged the service without being furnished with final statements, he is not entitled to his descriptive list, but must apply to the Second Auditor of the Treasury, Washington, D. C., for settlement of his accounts.

APPLICATION FOR DUPLICATE DISCHARGE OR FINAL STATEMENTS
FOR BACK PAY, BOUNTY, OR PENSIONS.

Application for forms and instruction for preparing the claims must be made to the Second Auditor, except for pension, which must be made to the Commissioner of Pensions.

General Orders, No. 86, of 1862.

Paragraph 3. The giving in duplicate, by any officer of the army, of certificates of discharge, or final statements, is peremptorily forbidden (see paragraph 165 of the Revised Regulations.) Not even if such papers are lost or destroyed, is any officer of the army authorized to replace them.

Paragraph 4. The proper course to be pursued in such cases will be found indicated in paragraph 1372 of the Revised Regulations, and is substantially as follows :

Application for payment in these cases must be made, through the paymaster-general of the army, to the Second Auditor of the Treasury. The application must be accompanied by the soldier's statement under oath, that his final statements and certificate of discharge are lost, destroyed, or have never been received by him ; that he has made diligent search or application for them ; that they cannot be recovered or obtained ; and that he has not received pay on them nor assigned them to any other person.

All the circumstances of the case must be fully set forth in the affidavit, and this again must be accompanied by all the evidence in corroboration of his statement which the soldier can procure.

On receipt of this, the Second Auditor will audit the ac-

count, and, if satisfied with the evidence, will order payment to the soldier of the amount found justly due to him.

Revised Army Regulations of 1863.

Paragraph 1372. Paymasters, or other officers to whom a discharged soldier may apply, shall transmit to the paymaster-general, with their remarks, any evidence the soldier may furnish relating to his not having received or having lost his certificates of pay due. The paymaster-general will transmit the evidence to the Second Auditor for the settlement of the account.

Paragraph 1666. When volunteers are to be mustered into the service of the United States, they will, at the same time, be minutely examined by the surgeon and assistant surgeon of the regiment, to ascertain whether they have the physical qualifications necessary for the military service. And in case any individual shall be *discharged within three months* after entering the service, for a disability which existed at that time, he shall receive neither pay nor allowances, except subsistence and transportation to his home.

Bounty.

The act approved July 11th, 1862, provides, "that said bounty shall be paid to the following persons, and in the order following, and to no other person, to wit: First, to the widow of such deceased soldier, if there be one. Second, if there be no widow, then to the children of such deceased soldier, share and share alike. Third, if such soldier left neither widow, nor child, nor children, then, and in that case, such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: First, to his father, or if he shall not be living, or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother, as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid."

By the same act, the bounty of one hundred dollars to widows, &c., of volunteers, is also given to the widows, &c., of those persons who have enlisted in the regular forces since the first day of July, 1861, or shall enlist in the regular forces during 1862, to be paid to the heirs named in this act. Widows of commissioned officers, and of soldiers dying after being discharged, are not entitled to bounty, nor are the widows of deceased three months' volunteers.

No soldier, discharged under any circumstances, can receive the bounty provided by the act of July 22d, 1861, unless "he shall have served for a period of two years, or during the war, if sooner ended." *

Applications for pensions, on account of "disability" received in the service, or for widows and children under the act of July 14th, 1862, should be made to the Commissioner of Pensions, and not to this office.

All claims for arrears of pay and bounty may be sent directly to the Second Auditor, Washington, D. C. When received, they are entered upon the register; as soon as practicable they will be examined, and, if found correct in form, they are placed upon the files for settlement, and their receipt acknowledged. If incorrect, the party sending it is immediately notified. Letters of inquiry in relation to a claim, should specify the name of the deceased, and the company, regiment, and State to which he belonged; and in all cases, to secure an answer, the name, post office, and State of the writer should be distinctly written.

Letters of inquiry, relating to the pay of soldiers in hospital or on furlough, should be addressed to the paymaster-general. Inquiries relating to the pay of deceased teamsters or other employees of the quartermaster's department, or for the pay of horses killed or lost in the service, to the Third Auditor; and relating to the pay and bounty of persons in the marine or naval service, to the Fourth Auditor.

* But see act of March 8d, 1863, page 323.

7. An Act to promote the efficiency of the Corps of Engineers and of the Ordnance Department, and for other purposes.

* * * * *

SEC. 6. *And be it further enacted*, That all payments of advance bounty made to enlisted men who have been discharged before serving out the term required by law for its payment in full, shall be allowed in the settlement of the accounts of paymasters at the Treasury; but hereafter, in all such cases, the amount so advanced shall be charged against the enlisted men, unless the discharge be upon surgeon's certificate for wounds received or sickness incurred since their last enlistment.

* * * * *

Approved March 3d, 1863.

14. An Act to amend an act entitled "An Act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 23d, 1861. (*See General Orders, No. 49, of 1861.*)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That every non-commissioned officer, private, or other person, who has been or shall hereafter be discharged from the army of the United States within two years from the date of their enlistment, by reason of wounds received in battle, shall be entitled to receive the same bounty as is granted or may be granted to the same classes of persons who are discharged after a service of two years, and all acts and parts of acts inconsistent with this are hereby repealed.

Approved March 3d, 1863.

BOUNTY FOR THE REGULAR ARMY.

General Orders, No. 190, dated June 25th, 1863.

Ordered, That all men enlisting in the regular army for five years' service within ninety days from this date, shall

receive premium, advance pay, and bounty, of \$402, as follows, viz. :

Premium paid on enlistment.....	\$2 00
Advance pay, first payment after first muster.....	13 00
Advance bounty, paid at depôt after being accepted.....	25 00
Total.....	\$40 00
Bounty to be paid at the second regular pay day after enlistment.....	\$50 00
“ “ first pay day after 8 months' service.....	50 00
“ “ “ “ 12 “	50 00
“ “ “ “ 2 years' service.....	50 00
“ “ “ “ 3 “	50 00
“ “ “ “ 4 “	50 00
Bounty to be paid at expiration of service.....	75 00

And it is further ordered, That the bounty of \$400 aforesaid shall be allowed, and paid in the manner hereinbefore provided, to all those men now in the regular army whose terms expire within one year from this date, and who shall reënlist at any time within two months before the expiration of their present term of service.

General Orders, No. 338, dated October 16th, 1863.

The time for enlisting recruits in the regular army under the provisions of General Orders, No. 190, of June 25th, 1863, is hereby extended to December 1st, 1863, during which the *extra* bounty of \$300 will be paid.

BOUNTY FOR VETERAN VOLUNTEERS.

General Orders, No. 191, dated June 25th, 1863.

In order to increase the armies now in the field, volunteer infantry, cavalry, and artillery may be enlisted, at any time within ninety days from this date, in the respective States, under the regulations hereinafter mentioned. The volunteers so enlisted, and such of the three years' troops now in the field as may reënlist in accordance with the pro-

visions of this order, will constitute a force to be designated "Veteran Volunteers." The regulations for enlisting this force are as follows :

I. The period of service for the enlistments and reenlistments above mentioned shall be for three years, or during the war.

II. All able-bodied men, between the ages of eighteen and forty-five years, who have heretofore been enlisted, and have served for not less than nine months, and can pass the examination required by the mustering regulations of the United States, may be enlisted under this order as veteran volunteers, in accordance with the provisions hereinafter set forth.

III. Every volunteer enlisted and mustered into service as a veteran, under this order, shall be entitled to receive from the United States one month's pay in advance, and a bounty and premium of four hundred and two (\$402) dollars, to be paid as follows :

1. Upon being mustered into service, he shall be paid one month's pay in advance.....	\$13 00
First instalment of bounty.....	*25 00
Premium.....	2 00
Total payment on muster.....	<u>\$40 00</u>
2. At the first regular pay day, or two months after muster in, an additional instalment of bounty will be paid	\$50 00
3. At the first regular pay day after six months' service, he shall be paid an additional instalment of bounty	50 00
4. At the first regular pay day after the end of the first year's service, an additional instalment of bounty will be paid	50 00
5. At the first regular pay day after eighteen months' service, an additional instalment of bounty will be paid	50 00
6. At the first regular pay day after two years' service, an additional instalment of bounty will be paid	50 00
7. At the first regular pay day after two and a half years' service, an additional instalment of bounty will be paid	50 00
8. At the expiration of three years' service, the remainder of the bounty will be paid	75 00

* Modified by subsequent orders—see page 326.

IV. If the Government shall not require these troops for the full period of three years, and they shall be mustered honorably out of service before the expiration of their term of enlistment, they shall receive, upon being mustered out, the whole amount of bounty remaining unpaid, the same as if the full term had been served. The legal heirs of volunteers who die in service shall be entitled to receive the whole bounty remaining unpaid at the time of the soldier's death.

V. Veteran volunteers enlisted under this order will be permitted at their option to enter old regiments now in the field; but their service will continue for the full term of their own enlistment, notwithstanding the expiration of the term for which the regiment was originally enlisted. New organizations will be officered only by persons who have been in service and have shown themselves properly qualified for command. As a badge of honorable distinction, "service chevrons" will be furnished by the War Department, to be worn by the veteran volunteers.

VI. Officers of regiments whose terms have expired, will be authorized, on proper application, and approval of their respective Governors, to raise companies and regiments within the period of sixty days; and if the company or regiment authorized to be raised shall be filled up and mustered into service within the said period of sixty days, the officers may be recommissioned of the date of their original commissions, and for the time engaged in recruiting they will be entitled to receive the pay belonging to their rank.

VII. Volunteers or militia now in service, whose term of service will expire within ninety days, and who shall then have been in service at least nine months, shall be entitled to the aforesaid bounty and premium of \$402, provided they reënlist, before the expiration of their present term, for three years or the war; and said bounty and premium shall be paid in the manner herein provided for other troops reëntering the service. The new term will commence from the date of reënlistment.

VIII. After the expiration of ninety days from this date, volunteers serving in three-years' organizations, who may reënlist for three years or the war, shall be entitled to the aforesaid bounty and premium of \$402, to be paid in the manner herein provided for other troops reëntering the service. The new term will commence from date of reënlistment.

IX. Officers in service, whose regiments or companies may reënlist, in accordance with the provisions of this order, before the expiration of their present term, shall have their commissions continued so as to preserve their date of rank as fixed by their original muster into United States service.

X. As soon after the expiration of their original term of enlistment as the exigencies of the service will permit, a furlough of thirty days will be granted to men who may reënlist in accordance with the provisions of this order.

General Orders, No. 216, dated July 14th, 1863.

I. All able-bodied men, between the ages of eighteen and forty-five years, who have heretofore been enlisted and have served for not less than nine months, have been honorably discharged, and can pass the examination required by the mustering regulations of the United States, may be enlisted in any regiment they choose, new or old; and, when mustered into the United States service, will be entitled to all the benefits provided by General Orders, No. 191, for recruiting "Veteran Volunteers."

A regiment, battalion, or company shall bear the title of "veteran" only in case at least one half its numbers, at the time of muster into United States service, are "Veteran Volunteers."

II. The benefits provided by General Orders 191, for veteran volunteers, will be extended to men who reënlisted prior to the promulgation of that order, provided they have fulfilled the conditions therein set forth.

General Orders, No. 305, dated September 11th, 1863.

Paragraph 8, of General Orders, No. 191, from this office, relative to recruiting veteran volunteers, is hereby amended to read as follows :

After the expiration of ninety days from this date (June 25th), volunteers serving in three-years' organizations, who may reënlist for three years or the war in the companies of regiments to which they now belong, and who may have, at the date of reënlistment, less than one year to serve, shall be entitled to the aforesaid bounty and premium of \$402, to be paid in the manner herein provided for other troops reëntering the service.

The new term will commence from date of reënlistment.

General Orders, No. 324, dated September 28th, 1863.

I. The time for enlisting veteran volunteers under the provisions of General Orders, No. 191, current series, from this office, is hereby extended to December 1st, 1863. This extension will not be considered as securing rank and pay to officers after August 25th, the limit fixed in paragraph 6 of the said order.

II. Under paragraph 3 of the aforesaid order, the first instalment of bounty [section 1] is hereby increased to \$60, thus making the "total payment on muster" \$75; and the "remainder of the bounty" [section 8], at the expiration of three years' service, is reduced to \$40.

General Orders, No. 345, dated October 19th, 1863.

The one hundred dollars bounty due at expiration of enlistment, will be paid by paymasters to veteran volunteers reënlisting, upon the usual discharge papers from their first enlistment.

APPLICATION FOR TRANSFER IN THE ARMY.

General Orders, No. 108, of 1861.

Paragraph 3. The numerous applications for transfer of soldiers from one regiment to another would, if complied with, cause confusion in the records, and be injurious to the future interests of the soldiers themselves. Such transfers will not henceforth be made.

APPLICATION FOR TRANSFER TO THE NAVY.

Transfers from the army to the navy will in no case be granted, except upon the application of the Secretary of the Navy.

APPLICATIONS OF ALL KINDS MADE BY AGENTS, ATTORNEYS, OR PARTIES NOT IN INTEREST, FOR CERTIFICATES OF SERVICE, &c.

The business of the adjutant-general's office cannot be transacted through a third party unless it comes through the regular military channel.

Numerous applications are addressed to this office relative to the services of officers and soldiers. Fraudulent claims have been facilitated by information procured from the public offices, and to guard against such impositions and secure the rights of discharged soldiers, or heirs of deceased soldiers, no information as to the service, discharge, or death of officers or soldiers will be furnished, except to those who shall show themselves entitled to it. Hence, in applications for information, where it can be used as a basis of a claim against the Government, or to the prejudice of innocent persons, the following conditions must be complied with:

1. The identity of the soldier must be proved.
2. Heirs and representatives must show that they are such.

In these cases the proof may be by affidavits from credi-

ble and disinterested persons, certified to be such by the acting justice or notary, whose official character should also be made to appear.

3. Where an agent acts, he must produce his authority in each individual case, coupled with proof of that of the party who empowers him, in the manner above indicated.

4. Where the object is to obtain pay or allowances, the application must be made to the officer of the Government under whose direction payment would be made. Where this officer is satisfied of the right of the claimant, he will call on the adjutant-general for any information necessary to perfect the claim, which, if found on the records, will be furnished to him, but not to the party concerned.

5. Where the affidavits, or other evidence, proceed from a foreign country, the official character of the magistrate or acting officer before whom they are taken, must be verified by a minister or consul of the United States, resident in the country where such evidence originates: the verification to be, in all cases, under the hand and official seal of such minister or consul.

6. Applications for certificates, under the seal of the War Department, to be used in foreign countries, will only be entertained when coming from the highest representative of the foreign country, through the Department of State.

All the facts connected with the subject of inquiry should be communicated; particularly the full name, rank, regiment, and company of the soldier, when and where he was last heard from, and the names of the officers under whom he served.

APPLICATIONS FOR REIMBURSEMENT FOR CLOTHING LOST, DESTROYED BY ORDER, &c.

General Orders, No. 85, of 1862.

The following is a joint resolution of Congress, approved 12th July, 1862:

Joint Resolution, authorizing the Secretary of War to furnish extra clothing to sick, wounded, and other soldiers.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of War be authorized to furnish extra clothing to all sick, wounded, and other soldiers who may have lost the same by casualties of war, under such rules and regulations as the Department may prescribe during the existence of the present rebellion.

In pursuance of the foregoing resolution, it is ordered, That the quartermaster's department shall issue, upon the requisition of the medical officer in charge of any hospital or depot of sick and wounded soldiers, such regulation clothing, necessary to their health and comfort, as may be requisite to replace that lost by them from the casualties of war. The necessity of the issue to be certified by the surgeon, and the requisition to be approved by the medical director or medical inspector of the station. Such issue to be gratuitous, and not charged to the soldier.

The quartermaster-general will cause blank requisitions to be furnished to the officers of the various hospitals upon their application.

The following is the decision of the Secretary of War relative to the gratuitous issue of clothing, as provided for by joint resolution of Congress, July 12th, 1862 :

CIRCULAR.

With the exception of issues to patients in hospital, already provided for in General Orders, No. 85, no extra or gratuitous issues should be made without special order of the Secretary of War, based upon official report of boards of survey in each case, setting forth the facts, with copies of the orders under which the clothing was lost, showing that it was lost, not by the fault of the men, but in obedience to orders given by sufficient authority ; and the issues should

in no case exceed the actual necessities of the soldiers. No superfluities should be replaced at the expense of the United States.

Issues thus made should be of clothing in kind—not payments of money. For claims for relief in money, special legislation alone can provide, as in other private claims presented to Congress.

The law of July 12th, 1862, authorizes the Secretary of War "to furnish extra clothing to sick, wounded, and other soldiers, who have lost the same by casualties of war, under such rules and regulations as the Department may prescribe, during the existence of the present rebellion."

The object of the law is understood to be to relieve distress, as in the case of soldiers who have been taken wounded from the battle field, or who, in hospital, without descriptive lists or papers enabling them to draw their pay or clothing, are found destitute, their clothing having been lost or destroyed. It is not supposed that the law intended to give to soldiers clothing to replace every article lost by a casualty of war.

Special laws, from time to time, provide for compensation to soldiers and sailors for losses by wreck or disaster.

APPLICATIONS OF MEN DROPPED FROM THE COMPANY ROLLS, OR REPORTED DESERTERS, TO BE RESTORED ON THE ROLLS, SO THAT THEY MAY BE PAID ON THEIR FINAL STATEMENTS WHEN DISCHARGED, OR PAID WHILE ON DETACHED SERVICE.

General Orders, No. 162, from the Headquarters, Army of the Potomac.

The commanding general directs that a careful examination be made of the company rolls, with a view to the dropping from the rolls of all persons who, under paragraph 3, General Orders, No. 92, from the adjutant-general's office (see page 309,) were, on the occasion of the muster for the

18th of August, 1862, found to be deserters according to the interpretation of that paragraph.

All persons now absent, whose absence since that date has been sufficient to justify the belief that they are deserters, will also be dropped from the rolls. Lists will be prepared by regiments of persons so dropped, and forwarded through the proper channels to these headquarters. Care will be taken on the occasion of this examination of the rolls to correct the morning reports of companies, in all particulars, to agree with the facts as they are reported on the muster rolls, and modified by subsequent changes. In various respects there must be errors in the morning reports. The number reported "absent with leave," especially, is not thought to be accurately stated.

Diligent examinations will suggest, it is not doubted, corrections under this and other important heads.

Directions contained in the Circular of February 16th, 1863, from the Adjutant-General's Office.

Enlisted men "dropped from the rolls," or reported as deserters under General Orders, No. 162, "Army of the Potomac," and General Orders, No. 92, of this Department, will not be paid or receive final statements, or be furnished with descriptive lists, until they shall have rejoined their respective regiments or companies, and the matter been investigated and acted upon in the manner prescribed by the regulations of the army, except in cases where they are subjects for discharge; or have been, or are to be, detailed on detached service by the authority of the department commander.

In either of the above cases, the officer or soldier must present to the officer who is authorized to order his discharge for disability (such as corps commanders, department commanders, military commanders, &c., &c.), or the officer authorized to detail him on detached service (department com-

mander), certificates from the surgeons under whose charge he has been, showing the time he has been absent sick under their charge, or the order from the proper authority detailing him on such detached service. These certificates and order or orders must cover the whole time (even a single day cannot be passed over) that the man has been absent from his command.

Having complied with these conditions, the officer authorized to discharge the man, or detail him on detached service, shall certify to the fact in his letter asking for a descriptive list of the soldier; which certificate shall be to the company commander of the soldier equivalent to an order to restore the man to his place on the rolls (stating on the roll itself by what authority it was done), to report him as discharged or absent by authority, as the case may be, and furnish his descriptive list, upon which the soldier shall receive his final statements for pay, if discharged, or be mustered for pay in accordance with existing orders, if not a subject for discharge, as the case may be.

In cases where the soldier has received his descriptive list, and is reported as dropped under the above orders, or as a deserter, the officer authorized above may certify on the descriptive list that the man should be, and is, restored, and, instead of applying for a new descriptive list, give him his discharge papers, or cause him to be mustered for pay, as the case may be, and notify the company commander, who shall immediately restore the man to his place on the rolls, and report him as discharged, or absent by authority, according to the notification he may have received.

No officer, other than the commander of a department, or superior authority, is authorized to detail men, who do not belong to regiments or companies under their command, on extra duty in any department, hospital, or as a guard.

No man should be reported absent without leave at two consecutive musters for the same absence. It is presumed

that men who have been absent without proper authority beyond a reasonable time are deserters. The time allowed cannot be exactly stated; in some cases twenty-four hours is enough; in others, a week or more may elapse, and the man return. But it is considered within limits that all men absent beyond a fortnight without proper authority, such as furloughs, sickness in hospital, a detail on detached service, should be reported deserters, and dropped from the rolls from the date of the commencement of their absence without authority.

No deserter, straggler, or soldier absent without leave, will be discharged from the service under any pretext whatever, until he shall have passed again under the control of his proper regimental officers, or been tried elsewhere for his offence, and his sentence (if guilty) executed (unless restored in accordance with paragraph 159, A. R., edition of 1863). In case of those who are pardoned in advance by the President's Proclamation, if sick, they will be sent to the nearest military hospital or convalescent camp (as the state of their health may require), and forwarded thence to their regiments when well, or discharged, as other soldiers are, by a military commander or military inspector.

Army Regulations, edition of 1863, paragraph 159. No deserter shall be restored to duty without trial, except by the authority competent to order the trial.

Extract from the President's Proclamation.

I, ABRAHAM LINCOLN, President and Commander-in-chief of the Army and Navy of the United States, do hereby order and command, that all soldiers enlisted or drafted in the service of the United States, now absent from their regiments without leave, shall forthwith return to their respective regiments.

And I do hereby declare and proclaim, that all soldiers now absent from their respective regiments without leave, who shall, on or before the first day of April, 1863, report

themselves at any rendezvous designated by the General Orders of the War Department, may be restored to their respective regiments without punishment, except the forfeiture of pay and allowances during their absence; and all who do not return within the time above specified shall be arrested as deserters and punished as the law provides.

And whereas evil-disposed and disloyal persons, at sundry places, have enticed and procured soldiers to desert and absent themselves from their regiments, thereby weakening the strength of the armies, and prolonging the war, giving aid and comfort to the enemy, and cruelly exposing the gallant and faithful soldiers remaining in the ranks to increased hardships and danger, I do therefore call upon all patriotic and faithful citizens to oppose and resist the aforementioned dangerous and treasonable crimes, and to aid in restoring to their regiments all soldiers absent without leave, and to assist in the execution of the act of Congress "for enrolling and calling out the National Forces, and for other purposes," and to support the proper authorities in the prosecution and punishment of offenders against said act, and in suppressing the insurrection and rebellion.

DETAIL OF CONVALESCENT AND DISABLED SOLDIERS.

General Orders, No. 69, of 1863.

Paragraph 10 of General Orders, No. 36, of 1862, which authorizes the chief medical officer in each city "to employ as cooks, nurses, and attendants any convalescent, wounded, or feeble man who can perform such duties, instead of giving them discharges," is hereby modified, as follows:

At every United States general hospital, the feeble and wounded men, unfit for field duty, but not entirely disabled, instead of being discharged, will be organized and mustered in detachments, under the charge of the officers acting as military commanders, who will assign men to them from

time to time, on the reports of the surgeons in charge of hospitals. From these invalid detachments the military commander will make details for provost, hospital, and other necessary guards; for clerks, hospital attendants, nurses, cooks, and other "extra-duty" men.

The invalid detachments will be mustered and reported as detachments, and will be paid on the detachment rolls; but no *extra* pay will be allowed in any case.

The detachment rolls must show to what company and regiment each man properly belongs, and all assignments to them must be promptly reported to their company commanders. They are not to be dropped from the rolls of those companies, but will be reported on detached service from them.

Should any of the men become fit for duty with their regiments, they will be immediately sent to join them.

In case of a want of non-commissioned officers to give efficiency to the invalid detachments, lance appointments may be made, but without increase of pay. These invalid detachments are to be transferred to the invalid corps, as prescribed in General Orders. See also page 333.

DISPOSITION OF DESERTERS BELONGING TO REGIMENTS MUSTERED
OUT OF SERVICE.

The following instructions, received from the general-in-chief, are furnished for the information and guidance of all concerned:

All men charged with desertion who belong to regiments whose terms of service have expired shall be examined by a commission of from one to three officers, detailed by the officer (not including provost-marshals of enrolment districts) under whose command they may be held in confinement, with a view to ascertain whether they are actually deserters; and if it should appear that they are not, their cases will be submitted to the department commander, that

the penalty of desertion may be remitted without trial, under paragraph 159, Army Regulations, and the men sent to the mustering officer (under G. O. 108, of 1863) nearest the place of enrolment, to be mustered out of service.

If the commission should consider them deserters, or the men cannot clear themselves of the charge, they will be assigned and sent to one of the regiments from the same State, serving in the same corps or department in which the regiments to which they formerly belonged served, for trial, or such disposition as the division, corps, or department commander may make of them, according to regulations, to serve out the time lost by desertion; the regiment to be designated by the officer who forwards them, and entered on their descriptive list, or muster and descriptive roll.

The time to be made good will be the time from the date of desertion to the date of joining the regiment to which assigned.

Provost-m Marshals of enrolment districts will forward deserters from regiments whose terms of service have expired, in the same manner as others, with a view to carry out the above instructions.

REËNLISTMENT OF VETERAN VOLUNTEERS.

General Orders, No. 359.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, }
WASHINGTON, *November 6th, 1863.* }

L. To carry out the provisions of paragraph 8 and 9, General Orders, No. 191, current series, from this office, in reference to volunteers who may come within the limit of reënlistment as veteran volunteers, as fixed by General Orders, No. 305, current series, the following regulations are established:

MUSTERS OUT OF SERVICE.

1. The muster out or discharge of all men who may re-enlist, and their reënlistments and consequent remusters,

will be under the immediate supervision and direction of the commissaries and assistant commissaries of musters for the respective armies and departments. The said officers will make all musters out of and remusters into the service.

2. All men who desire to take advantage of the benefits of the veteran volunteer order, by reënlistment under it, will be regularly mustered out of service on the prescribed muster-out rolls. The discharges prescribed by paragraph 79, mustering regulations, will be furnished in all cases. A remark will be made on the muster-out rolls, over the signature of the commissary or assistant commissary of musters, as follows: "Discharged by virtue of reënlistment as a veteran volunteer, under the provisions of General Orders, No. 191, series of 1863, from the War Department."

REËNLISTMENTS AND REMUSTERS.

3. Simultaneously with the muster out or discharge, but of the date next following it, the veteran volunteers will be formally remustered into the United States service "*for three years or during the war.*" This will be done on the prescribed muster-in rolls (muster and descriptive roll of recruits). These rolls will be made out from the reënlistments and descriptive lists of men. (See section 4 of this paragraph.) The following remark will be made on the muster-in rolls, over the signature of the commissary or assistant commissary of musters: "Remustered as veteran volunteers, under General Order 191, War Department, series of 1863."

4. Regimental commanders, under the direction of commanders of brigades, will select and appoint a recruiting officer for their respective commands, and charge him with the reënlistment of the veterans thereof. The reënlistments will be made in duplicate, and on the blank for "Volunteer Enlistment." A descriptive roll of the men will be made out at the same time. The duplicate reënlistments and descriptive roll will be forwarded or taken by the recruiting

officer to the commissary or assistant commissary of musters, who may be in charge of the musters for the organization to which the men belong. The mustering officer will countersign the reenlistment papers, and file the descriptive roll with the records of his office. One copy of the reenlistment will be delivered by the mustering officer to the pay master, to assist him in the examination and verification of the accounts; this copy will be forwarded with the said accounts to the proper accounting officer of the Treasury. The second copy of the reenlistment will be returned by the mustering officer to the regimental commander, and by him forwarded to the adjutant-general of the army with the monthly recruiting return required by paragraph 919, Army Regulations, from superintendents of regimental recruiting service.

PAYMENTS.

5. The Pay Department of the army is hereby charged with all payments (final dues under original enlistments, advanced pay, bounties, and premiums) of the volunteers discharged and remustered, as directed in this order. The final payments under the original enlistments will be made on the muster-out rolls.

The amount of the "total payment on muster" (remuster), paragraph 2, General Orders, No. 324, adjutant-general's office, current series, will be made under the rules set forth in General Orders, No. 163. The consolidated receipt rolls, referred to in the said order, will be certified to by the commissary or assistant commissary of musters charged with the remuster of the veteran volunteers into service. The payments on discharge, and those due on remuster, will be made at the same time, and in full, immediately after the men are remustered into the service.

11. Commanders of armies and departments are hereby charged with the faithful execution of this order, and will issue such instructions under it as in their opinion will best

secure the object in view. Troops, to be discharged and re-mustered as veterans, will be reported by the proper commanders, through army or department headquarters, to the paymaster-general. The reports will be made at a date such as will avoid delay in the payments being made.

By order of the Secretary of War :

E. D. TOWNSEND, Assistant Adjutant-General.

COLLECTING, DRILLING, AND ORGANIZING VOLUNTEERS.

General Orders, No. 366.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, }
WASHINGTON, November 13th, 1863. }

The following revised order is published for the guidance of mustering and disbursing officers in relation to their expenditures from the appropriation for "collecting, drilling, and organizing volunteers;" and all previous orders or regulations conflicting therewith are hereby revoked :

1. In organizing new regiments of volunteers—or companies, if they are independent ones—the necessary transportation as well as subsistence of the recruits, prior to the completion of the organization, will be chargeable against the appropriation for "collecting, drilling, and organizing volunteers," or should a regiment fail to complete its organization until the recruits for the said regiment are transferred to, or consolidated with, another organization. After the organization of the regiments is complete, and they have been inspected by the mustering officer of the State or district, transportation will be provided by the quartermaster's department, and subsistence by the subsistence department.

2. All passes for transportation by railroad will fully explain, in the case of officers, the necessity for the journey and the nature of the service; in the case of enlisted men, the number of recruits, their company and regiment, and

whether prior or subsequent to muster in of the organization to which the recruits belong ; or if the recruits be for an old organization, whether prior or subsequent to the muster in of the recruits themselves. A complete statement of these facts is necessary to settle satisfactorily the accounts of railroad companies.

3. The certificate to all vouchers for transportation by private conveyance must state that the prices charged were the current rates of the place where the expense was incurred ; also that transportation by railroad or steamboat could not be obtained. The vouchers must be approved by the superintendent of the volunteer or recruiting service, or chief mustering and disbursing officer of the district, and show that the expenditure was incurred for recruits of old organizations prior to muster, or of new regiments prior to complete organization, or for officers and enlisted men travelling under orders on the recruiting service, after having been assigned to duty by the superintendent. The number of men, their company and regiment, the number of miles travelled, the rate per mile, will, in each case, be specified, as in passes for railroad transportation.

4. Subsistence for recruiting parties detailed from regiments in the field, and for recruits of regiments already organized, will be provided by the subsistence department.

5. Recruiting parties and recruits, both of old and new organizations, will be quartered at the rendezvous, if possible ; but when convenience and economy require it, a contract for lodgings may be made by the superintendent or the chief mustering and disbursing officer of the district, not to exceed twelve cents per night for each man. The rent of rendezvous, recruiting offices, and accounts for lodgings, will be paid from the appropriation for "collecting, drilling, and organizing volunteers," when approved by the superintendent, but not otherwise.

6. Subsistence for new organizations, as specified in paragraph 1 of this order, will be furnished under contracts

made by, or under the direction of the superintendents, subject to the approval of the provost-marshal general.

7. All vouchers for subsistence will be accompanied by an abstract of issues (see Forms 17, Subsistence Department, Army Regulations of 1861, and 19, of Army Regulations, 1863), certified by the officer ordering the issues. In the column of remarks, the company and regiment to which the recruits belong will be stated. The vouchers will specify the date of contract, by whom made and approved, and be supported by a certificate of the superintendent or disbursing officer ordering the issues, that the expense was necessary for the public service for troops raised for the United States; that the recruits charged for were present at the time the orders for rations were signed, according to the morning report of the officer in charge; that they were actually enlisted prior to the date charged for; and that the regimental organization was not complete at the date of the account.

8. All disbursing officers authorized to purchase public property from the appropriation for "collecting, drilling, and organizing volunteers," will be held strictly accountable for every article purchased; and the property must be accounted for as required by paragraphs 962 and 1,040, Army Regulations of 1861, in order that the accounts may pass to the credit of the officer making the purchases.

9. In addition to knives, forks, tin plates, and tin cups, authorized in General Orders, No. 70, of 1861, spoons will be allowed to volunteers.

10. Superintendents of the volunteer recruiting service, and chief mustering and disbursing officers will, in future, be more careful in their instructions to recruiting officers under their direction, as it is believed that a large amount of money has been improperly expended by them in good faith, and through ignorance of the regulations, which cannot be reimbursed. It should be understood that they have no right to incur expense without proper authority, and no

authority to expend money on account of the United States for recruits in their charge, except in cases of extreme emergency, when the vouchers therefor should fully explain the necessity, be approved by the superintendent, and presented for payment before the recruiting officer leaves the State. Advance bounties and premiums will under no circumstances be paid by recruiting officers.

11. All expenses incurred on account of recruits (hereafter enlisted by recruiting officers either for old or new regiments) who shall be rejected, after medical inspection, for obvious disability *existing at the time of their enlistment*, will be charged on the muster in roll, opposite the name of the officer enlisting them, and stopped from any pay which may thereafter be due him from the Government.

12. Returns of property in charge of recruiting officers should be forwarded monthly to the superintendent or chief mustering and disbursing officer of the district for examination and approval, and transmitted by them to the provost-marshal general, as soon as practicable after the expiration of the month for which they may be due.

13. All vouchers for commutation of quarters and fuel of recruiting officers, detailed in accordance with General Orders, Nos. 105, of 1861, and 8, of 1862, must be accompanied—1st, by a certified copy of the original order detailing them; 2d, by the order of the superintendent assigning them to duty, or his certificate that they have been so assigned; also a copy of the order relieving them from duty (with the final accounts). The certificate prescribed in Form 21, Quartermaster's Department, Army Regulations, must in all cases be signed by the proper officers, or the accounts will not be allowed.

By order of the Secretary of War.

E. D. TOWNSEND, Assistant Adjutant-General.

EMPLOYMENT OF WOMEN NURSES.

General Orders, No. 351.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, }
WASHINGTON, *October 29th, 1863.* }

The employment of women nurses in the United States general hospitals will, in future, be strictly governed by the following rules :

1. Persons approved by Miss Dix, or her authorized agents, will receive from her, or them, "certificates of approval," which must be countersigned by medical directors upon their assignment to duty as nurses within their departments.

2. Assignments of "women nurses" to duty in general hospitals will only be made upon application by the surgeons in charge, through medical directors, to Miss Dix or her agents, for the number they require, not exceeding one to every thirty beds.

3. No females except hospital matrons will be employed in general hospitals, or, after December 31st, 1863, borne upon the muster or pay rolls, without such certificate of approval and regular assignment, unless specially appointed by the surgeon-general.

4. Women nurses, while on duty in general hospitals, are under the exclusive control of the senior medical officer, who will direct their several duties, and may be discharged by him when considered supernumerary, or for incompetency, insubordination, or violation of his orders. Such discharge, with the reasons therefor, being indorsed upon the certificate, will be at once returned to Miss Dix.

By order of the Secretary of War.

E. D. TOWNSEND, Assistant Adjutant-General.

NEW REGULATION FOR MUSTER ROLLS.

WAR DEPARTMENT, PROVOST-MARSHAL GENERAL'S OFFICE, }
 WASHINGTON, *November 25th, 1863.* }

CIRCULAR No. 103.—Paragraph 3, of Circular No. 96 of October 23d, 1863, is hereby amended to read as follows:

These rolls shall be made in quadruplicate, and each shall be signed by the provost-marshal, who shall certify to the muster of each man from the date of his enlistment. One copy of this roll shall be sent, at its date, to the adjutant-general of the army; one, at the same time, to the adjutant-general of the State; one, at the same time, to the superintendent of volunteer recruiting service, or the chief mustering and disbursing officer for the State; and the fourth shall be sent, with the clothing account of each man, and one copy of his enlistment (as hereinafter directed), to the general rendezvous with the detachment. Provost-marshals are directed to keep a record book of musters in to United States service.

JAMES B. FRY,
 Provost-Marshal General.

FURLOUGHES TO REENLISTED VOLUNTEERS.

General Order.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, {
 WASHINGTON, *November, 1863.* }

1. It is hereby ordered that volunteers now in service reenlisting as veteran volunteers under General Orders, No. 191, from this office, shall have a furlough for at least thirty days previous to the expiration of their original enlistment.

This privilege will be secured to the volunteers either by ordering all so reenlisting with their officers to report in their respective States, through the Governor, to the super-

intendent of the recruiting service, for furlough and reorganization, or by granting furloughs to the men individually.

2. Mustering officers shall make the following stipulation on the muster in rolls of veteran volunteers now in service, reënlisting as above: "To have a furlough of at least thirty days in their States, before expiration of original term."

3. Commanding generals of departments and armies are hereby authorized to grant the aforesaid furloughs within the limit of the time fixed in compliance with this order, as the demands of the service will best permit, reporting their action to the adjutant-general of the army.

4. In going to and from their respective States and homes, the veteran volunteers furloughed as above will be furnished with transportation by the quartermaster's department.

5. When the three-fourths of a company or regiment reënlist, the volunteers so enlisted may be furloughed in a body, for at least thirty days, to go home with their officers to their respective States, and to organize and recruit, and the individuals of the companies or regiments who do not reënlist shall be assigned to duty in other companies or regiments, until the expiration of their term of service.

By order of the Secretary of War.

E. D. TOWNSEND, Assistant Adjutant-General.

EXTENSION OF TIME FOR ENLISTMENTS IN THE REGULAR ARMY.

General Orders, No. 386.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, }
WASHINGTON, December 1st, 1863. }

The time for enlisting recruits in the regular army, under the provisions of General Orders of June 25th, 1863,

and No. 338 of October 16th, 1863, current series from this office, is hereby extended to June 25th, 1864, during which the *extra* bounty of \$300 will be paid.

By order of the Secretary of War.

E. D. TOWNSEND, Assistant Adjutant-General.

Official: R. WILLIAMS, Assistant Adjutant-General

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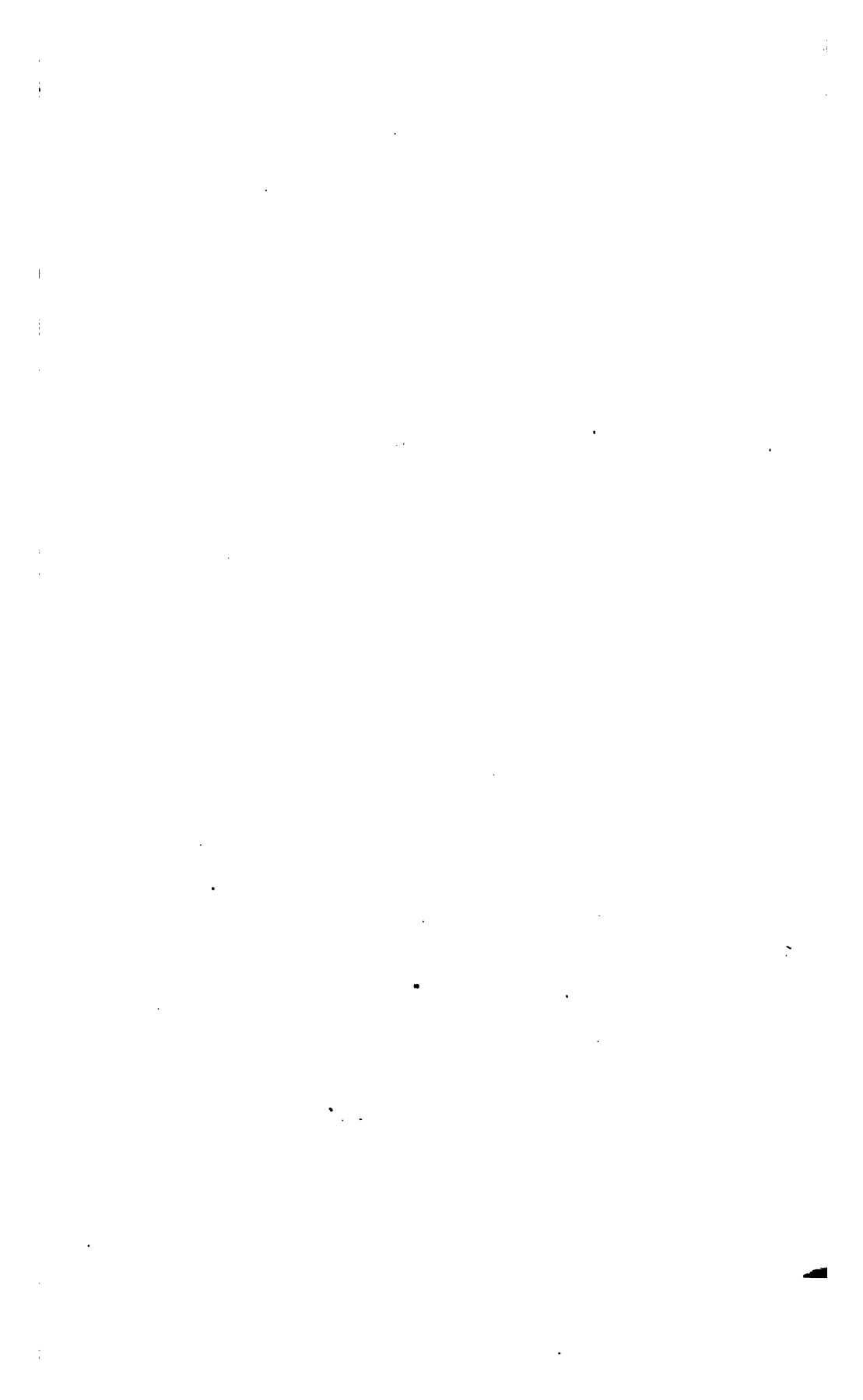
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